

Beyond Panglong: Myanmar's National Peace and Reform Dilemma

KEY POINTS

- The 21st Century Panglong Conference, also known as the Union Peace Conference, has been hailed as the most encouraging initiative to achieve countrywide peace and political reform in Myanmar since the Panglong Conference of February 1947. Two “Panglong-21” meetings have been held so far. With the National League for Democracy government prioritising ethnic peace, this is a long-needed moment of opportunity for national reconciliation that should not be lost.
- There have been three important advances in the landscape of national politics so far. First, different points of view could be expressed by a diversity of stakeholders, including representatives of political parties, the national armed forces (Tatmadaw), ethnic armed organisations and civil society groups. Second, the revival of such a symbolic platform raises the potential for the two key processes in national reform – parliamentary and ethnic peace – to be brought together on the same track. Third, there is broad agreement in public statements on the need for pro-federal reform.
- Worrying failings, however, are beginning to appear, raising warning spectres from the country's troubled past. Dating back to the Panglong Conference in 1947, each new era of government has witnessed new political initiatives to foster national peace, and all have been unsuccessful. This must not happen again.
- Amidst urgent concerns: there is a lack of inclusion in the present peace process; Tatmadaw domination still continues; there is an over-reliance on the inconclusive Nationwide Ceasefire Agreement of ex-President Thein Sein; land-grabbing, natural resource exploitation and economic opportunism remain widespread; and military-first solutions are still being pursued in several parts of the country. Meanwhile civilian displacement and humanitarian suffering have not ended, highlighted by continuing emergencies in the Kachin, Rakhine and Shan States.
- The international response to Myanmar's ethnic challenges is divided. Western governments have backed the Nationwide Ceasefire Agreement as the road to peace; the NLD-led administration has reduced cooperation with United Nations' mediation; and China is seeking to take on the leading international role. Concerned by instability along its border, China recognises that a majority of ethnic armed organisations have been marginalised in the peace process to date. But, with major geo-political ambitions of its own, China's involvement is only adding to uncertainties about Myanmar's future direction.
- A window of opportunity still remains. But, for genuine peace and national reform to be achieved, the 21st Century Panglong must deliver a political destination of hope that includes all peoples rather than another cycle of failure in the country's history of ethnic conflict. In one of the most ethnically-diverse countries in Asia, the present crises in Myanmar's borderlands are not exceptions but long-standing examples of failures that lie at the heart of the modern-day state.

Overview

In addressing the first 21st Century Panglong Conference in September 2016, State Counsellor Daw Aung San Suu Kyi emphasised the need to look to the future rather than concentrating on the wrongs of the past. “The most important thing is that we can agree to tackle the issues courageously,” she said.¹ These are positive sentiments with which all parties would like to concur. The difficulty is that the political landscape in Myanmar has never reached a stage where there is any equality in representation or rights for the country’s diverse peoples. Rather, conflict and state failure have continued without interruption since independence in 1948. As many citizens ask, how is it possible to ignore the past when conflict and human rights abuses are still continuing?

The evidence is stark. Despite abundant human and natural resource potential, Myanmar stands at 145th of 188 states on the UNDP’s 2016 Human Development Index, and there are currently in excess of a million internally-displaced persons (IDPs) and refugees, making it the eighth-largest refugee-producing country in the world.² Most, although not all, of the most serious humanitarian indicators come from the conflict-zones among ethnic minority (i.e. non-Bamar/Burman) communities, who make up an estimated third of the country’s 54 million people.

Even today, while peace initiatives continue, many of the underlying causes are still evident that have done much to sustain humanitarian suffering and national instability during the past seven decades. Ethnic conflict and the displacement of civilians from their homes have not been resolved; land-grabbing and natural resource exploitation are endemic in many parts of the country; and the pledges of equal union agreed at the Panglong Conference in February 1947 are yet to be fulfilled. Presently, there are grave humanitarian emergencies in several borderland states, notably Kachin, Rakhine and Shan.

The difficulties in achieving national breakthroughs are further compounded by

three disparities that have deepened during the decades of conflict. First, the status quo in political and economic power is largely concentrated among a majority Bamar – and often Tatmadaw-related – elite at the governmental centre. Second, the divisions in society have developed military, cultural, economic and political complexities of their own. And third, now on the country’s third constitution since independence, there is still little agreement about such fundamental issues as ethnic rights, identities and territories in the modern-day state.

Clearly, the challenges in building a new union of ethnic equality have taken on an enormity that was barely anticipated at the British departure in 1948. There were warning voices, but in the race to independence they were largely ignored. Seven decades later, state-building remains an unfinished objective, and the groundwork has yet to be laid for a language of equal rights, respect and union that embraces all peoples. As the historian and author Thant Myint-Oo recently wrote, Myanmar is an “unfinished nation”.³

It is essential, therefore, to remember that there have been efforts towards achieving peace and reform in the past: most notably, the “Federal Proposal” in 1961-62, the nationwide “Peace Parley” in 1963-64; and an “ethnic ceasefire” process that began in 1989. Dating back to the Panglong Conference in 1947, all received considerable publicity at the time, and all proved insufficient or ended in failure. The unfortunate reality is that the peoples of Myanmar do not know “too little” about the challenges of conflict resolution but that they know “too much”.

More recently, an incomplete Nationwide Ceasefire Agreement (NCA) was promoted by the previous government of ex-President Thein Sein (2011-16), and it is upon this platform that the National League for Democracy (NLD) is now seeking to build after taking office last year. The NLD’s evocation of the “Panglong” name provides a further boost to national debate, opening up many issues from the country’s troubled past. Certainly, backed by the international community,



Administrative Map of Myanmar

Under the 2008 Constitution, all seven 'Divisions' have been re-named 'Regions'. The seven ethnic 'States' retain their names. There are also five new Self-Administered Zones and one new Self-Administered Division "for National races with suitable population":

Sagaing Region
 1. Naga Self-Administered Zone
 Leshi, Lahe and Namyun Townships

Shan State
 2. Ta'ang Self-Administered Zone
 Namhsan and Manton Townships

3. Kokang Self-Administered Zone
 Konkyan and Laukkai Townships

4. Pa-O Self-Administered Zone
 Hopong, Hsihseng and Pinlaung Townships

5. Danu Self-Administered Zone
 Ywangan and Pindaya Townships

6. Wa Self-Administered Division
 Hopang, Mongmao, Panwai, Pangsang, Naphan, Metman Townships

there has never been greater momentum to bring the different conflict actors around the same table.

After decades of military rule, however, precedent also suggests caution. With the NLD still feeling its way in government, it is still too early to make predictions. As conflicts continue in several borderlands, there have been worrying signs during the past year that the NLD's peace process is losing its way amidst a morass of complex detail. Like President Thein Sein's NCA, the NLD's Panglong-21 has yet to become inclusive of all ethnic armed organisations (EAOs) or lead to significant political dialogue, causing many nationality parties to wonder whether this is by accident or by design. Tatmadaw interests continue to cast a dark shadow over the country's politics, while "Panglong-21" is developing its own confusions that make it very different to "Panglong-47" which was simple in both purpose and design.

The coming year will be crucial in determining Myanmar's political future. Future peace meetings are scheduled. But at root, a fundamental question still needs to be answered: is "Panglong-21" a political endgame or is it just another step in the country's conflict way of life? If a breakthrough is to truly occur, national inclusion, political dialogue and a complete halt to military offensives are now urgent.

The First Panglong: 1946-47

Background

Often forgotten today, there were, in fact, two Panglong Conferences prior to Myanmar's independence in January 1948. The first was sponsored by Shan saophas (princes) in March 1946 to discuss the future of the Shan State, to which Chin, Kachin and Karen leaders were invited. Their exchanges, however, were generally overlooked during the fall-out from the Second World War.⁴ It was thus the subsequent conference in February 1947 that has had lasting resonance in national politics.

Until the present day, differences of opinion continue about the significance of this three-day meeting, which brought together Chin, Kachin and Shan leaders with Aung San and representatives of the Anti-Fascist People's Freedom League (AFPFL) that was soon to take over the reins of national government. As the political scientist Matthew Walton has written, many "myths of Panglong" have developed.⁵

A particular problem was the remit of the discussions, with such nationalities as the Karen, Mon and Rakhine complaining about their non-participation in such a historic event.⁶ As the British departure loomed, however, the immediate challenge at Panglong was not the question of ethnic rights for the whole country but the future relationship between the two elements in the diarchic system of colonial government: i.e., "Ministerial Burma" or "Burma Proper", where the Bamar majority mostly live, and the "Frontier Areas" that are home to diverse ethnic nationalities. Under colonial rule, the two territories had not been united but remained on different paths to political and economic development.

Detail of the 1947 discussions is scant, with much of the lobbying conducted outside the formal sessions. But reflecting what critics believe is a Bamar-centric view, the Panglong monument today commemorates "the reunion of mainlands and hills". Indeed, under military government in the 2000s, a replica of the Buddhist Shwedagon pagoda in Yangon was constructed that stands in front of the memorial today.⁷ In contrast, for non-Bamar peoples, the key point of the Panglong Conference was agreement on the fundamental principle of "equal union" in the new nation's politics. Two statements are frequently quoted as evidence of this. "If Burma receives one kyat, you will also get one kyat" was Aung San's promise to non-Bamar peoples. Similarly, Clause Five in the final Panglong Agreement of 12 February is regarded as a byword of guarantee for the rights of equality and self-determination: "Full autonomy in internal administration for the Frontier Areas is accepted in principle."

Since this time, the “Panglong” name has continued to have resonance in national politics. The Panglong Agreement is commemorated as “Union Day” each year, and Aung San’s independence cry of “unity in diversity” remains symbolic throughout the country. It is for this reason that the calls by his daughter Aung San Suu Kyi for “Panglong spirit” and the “second struggle for independence” have been among her most popular slogans in the pro-democracy struggle against military rule.⁸ After her release from house arrest in 2010, Aung San Suu Kyi took these goals further with a “Second Panglong” call,⁹ and the series of “21st Century Panglong” conferences currently underway is seeking to build on this rare moment of inter-ethnic understanding before post-colonial breakdown occurred.

The importance, therefore, of the 1947 Panglong Conference in shaping the new union’s future should never be forgotten. Many troubled waters have since passed under the bridge. But without the joint aspirations expressed at Panglong, the present-day country would very likely have had a “two-level” transition to independence, separated between “Burma Proper” and the “Frontier Areas”. Indeed there may well have been no “Union of Burma” at all.

Outcome

After Panglong, Aung San drew up “Seven Basic Principles” or “Directives” that were intended to form the main guidelines in drawing up the country’s first constitution.¹⁰ In July 1947, however, Aung San and most of his cabinet were assassinated by the gang of a political rival. From this moment, the country’s path to independence was never likely to be smooth.

After Aung San’s death, his successor U Nu delegated completion of the drafting process to a team of constitutional advisors who, critics maintain, moved away from the principles of equality agreed at Panglong.¹¹ All the advisors were ethnic Bamar. In addition, two of the

most influential organisations at that time, the Communist Party of Burma (CPB) and Karen National Union (KNU), boycotted elections to the Constituent Assembly designated to draw up the new constitution. In consequence, although based upon democratic principles, the final version of September 1947 reflected many of the anomalies and lack of consultation during those difficult days.

Three major failings can be picked out. First, the 1947 constitution did not introduce a “union” but a “semi-unitary” state, laying the foundations for the present-day “unitary state” that Aung San had rejected.¹² This meant that politicians and institutions in the former Ministerial Burma gained effective dominance over the whole country at independence. As the outgoing British governor Hubert Rance had warned, the Shans said they wanted “freedom”, not just a “change of masters”.¹³ Second and related to this, the new state did not allow for the development of a federal structure that many nationalities aspired to. This was an ambiguity admitted to by the constitutional advisor Chan Htun who later observed: “Our country, though in theory federal, is in practice unitary.”¹⁴ And third, given such fundamental flaws in process, the actual designation in ethnic rights and territories was hasty, without proper discussion and replete with inconsistencies.

Seven decades later, the political geography of Myanmar is still in dispute. In the 1947 constitution, only four nationality “states” were recognised: Kachin, Karen, Karenni and Shan. Of these, the Karenni and Shan states were allowed the right of secession after a ten-year period in respect of their historic independence. The new Kachin State, in contrast, did not gain this right in exchange for the inclusion of more territory within its borders, while agreement on the controversial issue of Karen rights and territories was left to be decided until after independence. Meanwhile the Chins were granted only a “special division”, and such nationalities as the Kokang, Mon, Pa-O, Rakhine, Ta-ang (Palaung) and Wa – as well as the Muslim communities in north Arakan – received no special recognition at all.

These inconsistencies were never resolved in parliament. Myanmar's independence was born out of bloodshed. Violence continued in Arakan throughout the transitional period, while in March 1948 both the CPB and People's Volunteer Organisation began armed struggle in central Myanmar. As instability swept the country, the Tatmadaw was wracked by mutinies, and in January 1949 the KNU resorted to arms along with a succession of other nationality forces, including Karenni, Mon and Pa-O. The conflict landscape then deteriorated further later that year when remnant Kuomintang (KMT) forces invaded the Shan State following the communist victory in China.

Against this backdrop, the issue of ethnic rights was swiftly marginalised, and parliamentary reforms did little to inspire nationality confidence. In 1951 the "Karenni State" was renamed "Kayah State" to remove a name synonymous with Karenni independence,¹⁵ while it took until 1952 for a "Karen State" to be demarcated in the borderlands with Thailand. However, including only a quarter of the Karen population in the country, the new territory did not meet KNU demands and expectations. In 1952, the Shan State was also placed under martial law in response to continued KMT incursions, effectively ending autonomy in many areas.

To try and end the fighting, a number of peace initiatives were tried by the AFPFL government, including unsuccessful talks with the KNU in 1949. The most important of these was U Nu's "Arms for Democracy" appeal in 1958 that witnessed several Mon, Pa-O, Rakhine and pro-communist groups "enter the light" in return for promises of political reform.¹⁶ This breakthrough, however, was a rare moment of reconciliation in a fragmented national landscape. Rather, little noticed at the time, a new movement was emerging that was soon to monopolise the country's politics completely: the Tatmadaw.

At independence, the national armed forces largely consisted of veterans from Aung San's Burma Independence Army, who had initially

fought on the Japanese side during the Second World War, and ethnic nationality units that had remained loyal to the Allied Forces. In 1949, however, the Commander-in-Chief, Gen. Smith Dun, who was ethnic Karen, had been ousted by his deputy Gen. Ne Win. Once in control, Ne Win began dismantling these "two-wing" forces from the colonial era and imposing a Bamar-dominated leadership, built around the allegiance of his old regiment, the 4th Burma Rifles.¹⁷

Ne Win's intervention was to have drastic consequences on the development of the post-colonial state. As conflict continued during the 1950s, it was little secret that many Tatmadaw officers were frustrated by what they saw as the failure of politicians in the towns and insurrections by opposition groups in the countryside. From these experiences, a belief developed that only the Tatmadaw was "saving" the country. But, as military units spread into ever more nationality regions, a critical train of events followed: the Tatmadaw took on an increasingly Bamar-centric form; it developed into the most powerful commercial institution in the country; and it transformed into an ideological institution that would eventually seize control of the government.

Seven decades later, the division between military and civilian interests is a dilemma that continues to lie at the centre of the modern state.¹⁸ With the emergence of Ne Win's Tatmadaw, any possibility of local autonomy, a federal army or other multi-ethnic institutions was halted. Since this time, the politics of Myanmar have remained among the most militarised – in both government and opposition – in the world.

During 1958-60, U Nu handed over government to a "Military Caretaker" administration, headed by Ne Win. The Tatmadaw did hold brief peace talks with the KNU, but there was a notable toughening up in central rule. Military operations were intensified in the countryside; the Shan and Karenni saophas signed away their traditional rights in a Renunciation Treaty; and any question of the Shan or Kayah States exercising the right

of secession under the 1947 constitution was effectively ended.

In many respects, the Military Caretaker administration only proved a trial run. In March 1962, Gen. Ne Win seized power in a military coup, abruptly ending the 14-year experience of parliamentary democracy. The 1947 constitution and promises of Panglong were torn up, and half a century under military rule now followed. In Ne Win's view, neither parliamentary democracy nor ethnic autonomy were suitable for Myanmar. In the view of nationality leaders, the political union agreed at Panglong had not even been tried.

The Federal Proposal: 1961–62

Background

Although overlooked in recent years, it is important to remember that, prior to Ne Win's coup, there was an attempt to honour the 1947 Panglong Agreement and amend the 1947 constitution by parliamentary means. Since this initiative came from nationality leaders and became the pretext for Ne Win's seizure of power, it has become one of the most defining events in post-colonial history and deserves close attention.

What became known as the "Federal Proposal" was put forward at a critical time in national politics. Although Ne Win's "Military Caretaker" administration had returned power to prime minister U Nu after the 1960 general election, the national landscape was still badly divided. In 1958 the governing AFPFL had split into "Clean" and "Stable" factions; the Karen and other armed struggles showed little sign of ending; and new armed opposition movements were emerging in the Shan and Kachin States. Among the Kachin population, especially, U Nu's initiative to promote Buddhism as the country's "state religion" was causing concern.

During 1961, the U Nu government had some success in settling the KMT crisis in the Shan State and also ending conflict with Muslim forces in north Arakan.¹⁹ However pressures also continued

for the government to deliver on the pledges of reform that had been made during the 1958 "Arms for Democracy" agreement. The creation of new Arakan and Mon States, originally promised during the Regional Autonomy Commission in 1948, was proposed for later in 1962. But for many citizens, it was a case of "too little, too late". The need to address the failings of the 1947 constitution was overwhelming.

It was in this context that the federal initiative went ahead. A "Shan Federal Proposal", adopted by the Shan State government in January 1961, was endorsed at the All States Conference in June in Taunggyi, and an All States Unity Organisation was formed with Arakan, Chin, Kachin, Karenni, Karen, Mon and Shan members. To address the inadequacies in provisions for the states and nationalities in the 1947 constitution, revision was proposed "in accordance with the principles of a truly federal constitution" in order to "ensure equal rights and opportunities for all".²⁰ Certain powers would remain with the "Central Union", including foreign affairs, union defence, union finance and union judiciary, but all other rights would be transferred to the states.

There was, however, a further suggestion. To ensure ethnic equality, a new "Burmese State" (i.e. ethnic Bamar) was proposed in the territories of "Burma Proper" (the former Ministerial Burma) that would have the same rights as other constituent states in the federal union. Through this political reconfiguration, the All States Unity Organisation argued in a document submitted to U Nu that "the usurpation of the central powers of government" by authorities amongst the Bamar-majority would be ended.²¹

It has since been the assertion that the country should consist of eight states (Arakan, Bamar, Chin, Kachin, Karen, Karenni, Mon and Shan), which has caused most controversy in territorial delineations in national politics. But the "eight state" solution, was not suggested idly at the time; rather, it was conceived as the only way to deliver upon the promises of union and equality agreed at Panglong.

Peace and Reform Talks in Historical Timeline

1946	1 st Panglong Conference
1947	2 nd Panglong Conference & Agreement
1948	Independence of Union of Burma
1949	Peace talks between AFPFL government & KNU
1958	U Nu's "Arms for Democracy" initiative
1958-60	Ne Win "Military Caretaker" administration
1960	Peace talks with KNU
1961	"Federal Proposal" by nationality leaders
1962	Ne Win military coup & "Burmese Way to Socialism"
1963	"Peace Parley" of Revolutionary Council
1968	Internal Unity Advisory Board
1972	Peace Talks with KIO
1974	BSPP constitution introduced
1976	Formation of federal-seeking NDF
1980-81	Peace talks with CPB and also KIO
1982	Citizenship Law
1988	Democracy protests, BSPP collapse, SLORC takes office
1989	CPB collapse, ethnic ceasefires begin
1990	NLD wins general election, repression continues
1993	Start of National Convention to draft constitution
1997	SLORC government renamed SPDC
2008	Announcement of new constitution
2009	Ceasefire groups ordered to transform into BGFs
2010	NLD suppressed, USDP wins general election
2011	UNFC formed, SPDC steps down, Thein Sein starts new peace process
2012	NLD enters parliament in by-elections
2015	Signing of partial NCA, NLD wins general election
2016	Union Peace Conference, 21 st Century Panglong Conference
2017	FPNCC formed, Second 21 st Century Panglong Union Peace Conference

Debate of the Federal Proposal, however, was never allowed to proceed. During 1961-62, federal supporters sought to start a discussion on the Panglong Agreement that has never been completed. Instead, their proposal was used as the justification for the imposition of military rule, a domination that still continues in many aspects of government today.

Outcome

Opinions have since varied as to what might have happened if debate of the Federal Proposal had been able to continue its passage through parliament. U Nu himself, a self-professed socialist and Buddhist, often appeared ambiguous about the details of ethnic reform. In the event, on the eve of their meeting to discuss the Federal Proposal in March 1962, U Nu, his cabinet and the federal leaders were all arrested.

In subsequent months, many other groups were targeted for suppression, as Ne Win's Revolutionary Council sought to impose the "Burmese Way to Socialism" on the country. But although espousing the goals of "socialist" revolutionaries, it was always the "federal" issue that was given as the main reason for the military coup. "Federalism is impossible, it will destroy the Union," Ne Win said.²² Sao Wunnah, the Kayah State minister, was accused of leading a "feudalist conspiracy", while many of those arrested were to spend long years in jail without trial. "Thanks to the timely intervention of the Defence Services, the Union of Burma has been saved from an unthinkable fate," state propaganda claimed.²³

In the coming months, the crackdown was especially intense in the Shan State, where many politicians, community leaders and civil servants were detained for up to six years.²⁴ Never forgotten, the MP and Hsipaw Saohpaw, Sao Kya Seng, disappeared on the road to Yangon after being taken into military custody on the night of the coup, while a teenage son of Sao Shwe Thaike, the Union's first president, was shot dead by soldiers who had come to arrest his father.²⁵ The

country was shocked. Shwe Thaike had been a loyal supporter of the Union, co-organising both the Panglong Conferences in 1946 and 1947. By the end of 1962, however, he had also passed away, dying in unexplained circumstances while still held in detention. As another son, the late Chao Tzang Yawnghwe, pointed out, the Federal Proposal was constitutionally-based and pursued through democratic means. "It was a format for further discussion, and was not in any way sinister or seditious," he wrote.²⁶

Such events left a sombre memory at the inception of Tatmadaw rule that has never dissipated. Myanmar was faced with serious challenges in 1962. But the timing and manner of the coup instigated a combination of new crises that, during the following years, were to make a bad situation very much worse. For half a century, "federalism" became a forbidden word in government circles, and it is only since 2011 that the "federal" debate could be resumed. As a result, many nationality leaders believe that the 1961-62 Federal Proposal should still be the starting point for political dialogue in the country today.²⁷

Gen. Ne Win's Nationwide "Peace Parley": 1963-64

Background

Today Gen. Ne Win's "Burmese Way to Socialism" is mostly remembered for its failures. An unusual mix of Marxist, nationalist and Buddhist principles, its guiding ideology was always lightly sketched. But before seeking out to roll out his new vision, Ne Win made one apparent attempt to change the direction of post-colonial politics by engaging with armed opposition groups around the country.

The initiative by Ne Win's "Revolutionary Council" was heralded by the announcement of a general amnesty on 1 April 1963, followed by a nationwide "Peace Parley" to which representatives of armed opposition forces were invited. While there was no let-up in security pressures on students, unions, the media and other sectors of society,

Ne Win seemed to believe that he might be able to win some opposition forces over by talks. As he calculated, much of the political opposition at the time came from the political left, with the socialist-leaning Karen National United Party (KNUP) influential in the leading ethnic movement of the day, the KNU. "I've taken hold of the tiger's tail and I can't let go," Ne Win told KNUP leaders at dinner. "Please help me."²⁸

To encourage talks, there were no apparent pre-conditions. The Revolutionary Council gave guarantees of ceasefires and safe passage. In response, delegations began making their ways to Yangon from different parts of the country during mid-1963. These included representatives of both the "White Flag" and smaller "Red Flag" factions of the CPB (some of the White Flag members flew in from China), Communist Party of Arakan (CPA), Kachin Independence Organisation (KIO), KNU/KNUP, Karenni National Progressive Party (KNPP), New Mon State Party (NMSP) and several Shan forces that subsequently formed together as the Shan State Army (SSA). Most discussions were on an individual basis, but Ne Win also agreed to joint talks with the National Democratic United Front (NDUF) that represented the "White Flag" CPB, KNPP, KNUP, NMSP and Chin National Vanguard Party (CNVP). Today it is striking just how new many of these formations were when they gathered in Yangon.²⁹

From the outset, the Peace Parley was to make little progress. A main stumbling block among opposition groups was Ne Win's unwillingness to recognise their administrations or territories, a position that they believed was tantamount to demanding "surrender".³⁰ In their defence, Tatmadaw commanders were worried about the divisive impact of civil wars elsewhere in Asia (notably Korea and Vietnam), where they believed international backers were undermining the independence of sovereign states. But, in political terms, veterans of the Peace Parley claimed that there proved little to talk about. "They just called on us to surrender," remembered Sao Hso Ten, present-day patron of the SSA/Shan State Progress Party (SSA/SSPP).³¹

Ne Win, however, had other reasons to feel anxious about the direction of the peace process. Most obviously, opposition groups began to mobilise public support against the government. In early November a 100-mile "Six-District Peace March" from Minhla ended with a mass rally, estimated at up to 200,000-strong, in front of Yangon's City Hall. Here, speakers agreed with the NDUF's demand to keep their weapons and territory. Subsequently, another rally was scheduled in Mandalay, but on 14 November the Revolutionary Council summarily called off the peace talks. Over 900 people were arrested during the following days, including left-wing politicians as well as the Pa-O MP, Thaton Hla Pe, and Mon leader, Nai Nor Lar, both of whom had taken part in the 1958 "Arms for Democracy" initiative.³² They were now to join in prison supporters of the Federal Proposal and other political leaders who had been arrested during the 1962 coup.

This was not quite the complete end of the Peace Parley story. Subsequently, one organisation did make a ceasefire: a Kawthoolei Revolutionary Council faction of the KNU led by Saw Hunter Tha Hmwe. In March 1964, Tha Hmwe agreed to a ceasefire in return for increased rights for the Karen people and state. The truce, however, was of short duration. Tatmadaw operations quickly resumed, leaving a legacy of distrust among opposition parties. Since this time, suspicion has further deepened that the Tatmadaw uses the promise of peace as an opportunity to foment division rather than initiate political dialogue.

Outcome

Following the Peace Parley failure, Ne Win swiftly moved ahead in seeking to implement the "Burmese Way to Socialism". For a quarter of a century, the Tatmadaw embarked on a two-stage strategy: launching military operations in the countryside, while seeking to build up a monolithic system of government under the Burma Socialist Programme Party (BSPP) at the national centre. Political opposition was suppressed, ethnic minority languages halted

beyond fourth grade in schools, and large sections of the economy nationalised in what became an increasingly ethnocratic state, dominated by Bamar culture and people.

In military terms, Tatmadaw officers claimed some success, with central Myanmar largely cleared of opposition groups by the mid-1970s. However, far from quelling resistance, the BSPP's totalitarian tactics – including the notorious “Four Cuts” campaign³³ – caused rebellion to escalate elsewhere, notably in the ethnic borderlands. In 1968, there briefly appeared one point of national consultation when Ne Win established an Internal Unity Advisory Board to advise on constitutional reform. The board members included U Nu and 32 ethnic and political leaders who had recently been released from jail. Discussion, however, was soon ended.

Within a decade of Ne Win's seizure of power, the enormity of conflict divisions in the country was clear. In 1968, following anti-Chinese violence in Yangon, China began a decade of full-scale backing to the CPB, which was able to seize control of large amounts of territory along the Yunnan Province border. Shortly afterwards, U Nu and several colleagues went underground to set up the Parliamentary Democracy Party (PDP) in alliance with the KNU, NMSP and other former ethnic opponents on the Thailand frontier. Meanwhile new armed opposition movements proliferated among other nationality groups, including Kayan, Kokang, Rakhine, Shan, Ta'ang and Wa as well as a Muslim-based force in northern Arakan that identified as “Rohingya”.³⁴ As today, the Tatmadaw countered with the establishment of “pyithusit” or local “home guard” militia, including the now defunct Ka Kwe Ye in the Shan State. But this did not stem the tide of militant resistance; rather, they swiftly became part of the conflict landscape.³⁵

Against this backdrop, it took until 1974 for a new constitution to be introduced following a strictly-controlled referendum. In an innovation retained in the present 2008 constitution, a sense of symmetry was introduced on the political

map, with the country distinguished by seven divisions (today, regions), where the majority Bamar mostly live, and seven ethnic states (Chin, Kachin, Karen, Kayah, Mon, Rakhine and Shan). Various rights were also guaranteed to all citizens before the law “regardless of race, religion, status or sex” (Article 22). But there was a legal catch: the principle of a one-party state was enshrined in the constitution (Article 11), while the exercise of such rights must not be “to the detriment of national solidarity and the socialist social order” (Article 153b).

Subsequently, the attempt to circumscribe a cohesive “multi-ethnic” identity on the country was pursued by the BSPP government with the 1982 Citizenship Law which, while exempting certain nationalities (e.g. “Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan”), restricted full citizenship to only those who could prove ancestors resident before the first British annexation in 1824.³⁶ For many inhabitants of presumed Chinese or Indian heritage, the consequences have been devastating, especially in the Rakhine State where Muslims who self-identity as “Rohingya” have been denied any citizenship rights at all. Until today, the government considers them as “Bengali”.³⁷ Xenophobia lay at the heart of Ne Win's rule.

The country was to struggle on under BSPP government into the late 1980s in a state of socio-political impasse and civil war. By the mid-1970s, U Nu's PDP had run out of momentum in the Thai borderlands, and the former prime minister returned to Yangon under a 1980 general amnesty. In 1972, the government also held brief peace talks with the KIO. During 1980-81, there were further peace discussions with the CPB and also, separately, with the KIO, which invoked the memory of Aung San and the Panglong Conference during their meetings. Once again, however, no solutions were achieved. In essence, Ne Win argued that, since the 1974 constitution had been approved by a referendum among the people, the BSPP government could not accept any new political demands.³⁸

For their part, many opposition forces continued to feel secure in their “liberated zones” in the borderlands. Here, in the struggle against what they regarded as the “illegal” government of Ne Win, they kept alive very different visions of ethnic rights and identity. Conflicts also occurred between armed opposition groups. But, over the years, resistance to BSPP rule was generally sustained through two main fronts: one consisting of the CPB and ethnic allies in the northeast of the country, and the other by the nine-party National Democratic Front (NDF), which was established in KNU territory in 1976.³⁹ Initially, the NDF founders had differing goals. In October 1984, however, they agreed on the formation of a “federal union” at the NDF’s Third Plenary Central Presidium, and this has remained the basic political demand for most nationality movements in the country until the present day.

All the time, political and economic pressures on the BSPP government were intensifying. After years of international isolation, this was highlighted in dramatic fashion in 1987 when Myanmar was classified with Least Developed Country status by the United Nations as one of the ten poorest states in the world. Previously, Ne Win’s government had generally been tolerated as one of the most “non-aligned” in the world, but now the BSPP’s failures were matters of worldwide concern.

From this moment, popular dissidence was emboldened and, within a year, the BSPP government had collapsed amidst a wave of student-led protests. Far from an end to state failure, however, another incarnation of military rule was just about to begin.

The SLORC/SPDC Ceasefires and National Convention: 1989–2011

Background

Following its assumption of power in September 1988, the military State Law and Order Restoration Council (SLORC: from 1997, State Peace and Development Council [SPDC])

proved an obdurate successor to Ne Win’s BSPP government, nearly matching its predecessor in duration (1988–2011). Once again, the Tatmadaw generals claimed to have “saved” the country, this time by forcefully suppressing pro-democracy demonstrations.⁴⁰ The new regime, however, was rather more cautious about implementing any political timetable or goals. A new system of “market-oriented” reforms was announced; new political and ethnic nationality parties were permitted to form; and the country’s official name in English was changed from “Burma” to “Myanmar”.⁴¹ But government officials privately admitted that, very often, they were making plans from day to day. Fuelled by the BSPP’s collapse, the political landscape was undergoing its most significant reorientation since the early days after independence in 1948.

A complex train of events was now set in motion. Thousands of students and democracy activists had fled into NDF-controlled territories after the SLORC’s assumption of power. In 1989, the CPB collapsed due to ethnic mutinies that saw the emergence of four new ethnic armed organisations (EAOs) along the China border: the United Wa State Army (UWSA), “Kokang” Myanmar National Defence Alliance Army (MNDAA), “Mongla” National Democratic Alliance Army (NDAA) and New Democratic Army-Kachin (NDA-K). The following year, the National League for Democracy won the 1990 general election by a landslide, the country’s first in three decades. Nineteen ethnic-based parties also won seats, twelve of which were allied in the United Nationalities League for Democracy. The result was that, within two years, the two largest political parties among the Bamar majority had folded – i.e. the BSPP and CPB, while a completely new party, the NLD, was gaining national momentum.

The political turbulence did not end here. In the election aftermath, the NLD leader Aung San Suu Kyi remained under house arrest, and the national divisions became even deeper in late 1990 when a group of NLD MPs-elect entered NDF territory to form the National Coalition Government Union of Burma (NCGUB), headed

by Aung San Suu Kyi's cousin Dr Sein Win. Subsequently, the goal of a "federal union" was approved in the 1992 "Manerplaw Agreement", and the National Council Union of Burma (NCUB) was established to bring the NDF, NCGUB and other democracy organisations in the borderlands together.

The question, then, was whether a new way could be found to achieve national reconciliation and interrupt the latest cycle of political breakdown. "The problem of ending the war is not on the battlefield, it should be on the table", said the KIO chairman Brang Seng in January 1989.⁴² The NLD's general election victory further encouraged this view and, in the following years, "tri-partite dialogue" between the NLD, Tatmadaw and ethnic nationality parties became the main opposition demand, a call later taken up by the United Nations General Assembly.

Such a dialogue, however, never took place. Rather, a number of different initiatives were started by the SLORC and, later, SPDC governments that were to see the Tatmadaw leadership remain in power for over two decades with very little deviation in direction or style. The Tatmadaw's main strategist was Snr-Gen. Than Shwe, who replaced Snr-Gen. Saw Maung as chairman and commander-in-chief in 1992, and from this point on there was greater coherence in government activities.

There were three main elements to the Tatmadaw's strategy for national transition: a new ethnic peace process, a new constitution and a new political party. The first of these was the ethnic ceasefire initiative. In 1989, in the aftermath of the CPB collapse, the SLORC government offered ceasefires to the four breakaway groups, all of which accepted: the MNDAA, NDAA, NDA-K and UWSA. At first, the ceasefire offer appeared a bid to win time while the SLORC entrenched in government, but in the following years the peace offer was also rolled out to other ethnic armed organisations, including NDF members, three of whom soon agreed: the SSA/SSPP (1989), Palaung State Liberation Party

(PSLP: 1991) and Pa-O National Organisation (PNO: 1991). The terms were very simple, allowing EAOs the right to maintain their weapons and territories, and only one party (later, the KIO: 1994) ever had a written agreement.

Meanwhile, the military government refused talks with Bamar-majority groups or "united fronts" such as the NCUB. Instead, the Tatmadaw intensified attacks against the KNU and other non-ceasefire forces that remained allied with pro-democracy groups, causing a steady increase in refugees fleeing into neighbouring countries. Following Than Shwe's accession to power, however, a halt to offensives against ethnic forces was announced in the "name of national unity" in April 1992. During the following weeks, over 2,000 political prisoners were released – although not Aung San Suu Kyi and other NLD leaders.⁴³ At the same time, the SLORC government made a joint agreement with Bangladesh to begin the return to Myanmar of over 250,000 Muslim refugees that had fled across the Rakhine State frontier during Tatmadaw operations in 1991-92.

These announcements were then used as the precursors for the next two initiatives in the regime's transition strategy: the new constitution and new national party. In 1993, a "National Convention" was established to draw up the principles for a new constitution, while a new mass organisation – the Union Solidarity and Development Association (USDA) – was formed under Snr-Gen. Than Shwe's patronage. At the time, there was considerable speculation as to the government's intentions, with many believing that the USDA was planned as the BSPP's successor, similar to the ruling Golkar party in Indonesia.⁴⁴ There were also hopes that, with the NLD and ethnic ceasefire groups invited to the National Convention, Aung San Suu Kyi would soon be released. Against this backdrop, the KIO (1994) and NMSP (1995) from the NDF also made ceasefires and the number of officially-recognised "peace groups" increased to sixteen, including most of the strongest forces in the country.⁴⁵ "National unity has been fostered," Snr-Gen. Than Shwe later claimed.⁴⁶

In early 1993, it therefore appeared for a brief moment that another military government in Myanmar was about to change political course. In theory, just as with the Peace Parley thirty years earlier, both the ethnic ceasefires and National Convention provided the platforms for nationwide reconciliation and dialogue. Once again, however, hopes of peace and reform were quickly disabused.

Outcome

The government-organised National Convention first began meetings in January 1993. Initially consisting of 702 hand-picked delegates from eight social groups (including representatives of the NLD, other electoral parties and ethnic ceasefire organisations),⁴⁷ it was to take 15 years until completion in 2008. During these years, national reform was largely static, and the SLORC-SPDC became one of the most internationally-condemned regimes in the world. Only Asian neighbours, notably China and the member states of ASEAN, maintained close relations with the government.

Despite many reservations, there were early hopes that “engagement” rather than “confrontation” might prove a viable tactic in resolving the country’s political crises. In the Kachin and Shan States especially, there was a belief in nationality circles that it was better to negotiate with ethnic Bamar leaders who had power (i.e. the Tatmadaw) than those who did not (i.e. NLD and NCGUB). And with the international promotion of 1996 as “Visit Myanmar Year”, there was speculation that the National Convention could turn into an inclusive body for national debate by bringing political reform and ethnic peace talks on to the same track. These hopes reached a crescendo in July 1995 when Aung San Suu Kyi was released from house arrest, causing speculation that a major turning point had been reached.

Relations, however, swiftly deteriorated, with both sides accusing each other of intransigence, and in

November that year the NLD withdrew from the National Convention in protest at restrictions on freedom of expression. The NLD was then banned from further attendance, and the SLORC went on to deregister most other political parties elected in the 1990 general election, including the Shan Nationalities League for Democracy (SNLD) that had come second after the NLD in the polls. To try and maintain the political pressures, in 1998 the SNLD and three other nationality parties⁴⁸ joined with the NLD in creating a new Committee Representing the People’s Parliament (CRPP), and in 2002 a nine-party “United Nationalities Alliance” was formed of ethnic parties that had stood in the 1990 election.⁴⁹ But, subject to repeated harassment, neither the CRPP nor UNA were able to establish an alternative process for political debate. Aung San Suu Kyi was returned to frequent house arrest, and she was only released in November 2010 after a total of 15 years in detention.

In the meantime, the SLORC-SPDC generals tried to re-chart the national landscape. A strongly patriotic tone was set by six basic principles for the USDA and new constitution at their 1993 inception, and they remain the bedrock for the Tatmadaw’s dominance in national politics today. The first three principles were the SLORC’s “Three Main National Causes”, and all six have been maintained as the “Basic Principles” in the 2008 constitution:

“non-disintegration of the Union; non-disintegration of national unity; perpetuation of national sovereignty; promotion of a genuine multiparty democracy; promotion of the universal principles of justice, liberty and equality; and, participation by the Defence Services in a national political leadership role in the future state.”⁵⁰

The last principle, the Tatmadaw’s “leading role” in national politics, remains especially contentious, and in the early years the National Convention often appeared to be forgotten or losing its way. In fact, it took until 2003 for government transition to begin momentum with

the announcement of a seven-stage “roadmap” to “disciplined democracy” by the prime minister and Military Intelligence chief Gen. Khin Nyunt, a year before his arrest. Fourteen years later, Myanmar is still in the seventh and apparently final stage of this roadmap plan.

To restart the National Convention process, elected representatives from political parties were reduced to just 15 out of 1,088 delegates, while members of “national races” were increased to over half the assembly. Despite concerns over transparency, most of the ethnic ceasefire groups continued to attend, presenting their positions in two main blocks: a 13-party group led by former NDF parties that sought a “federal” union; and a four-party alliance of parties, formerly aligned with the CPB, that proposed autonomous regions similar to those in China. Their views, however, were not accepted. In essence, the main point of contention was between a “unitary” system advocated by Tatmadaw supporters and a “union” system proposed by ethnic nationality and pro-democracy groups.⁵¹

Eventually, in early 2008, the drafting commission announced that a new constitution had been completed. In a change to the 1974 constitution, Myanmar was no longer a one-party state, but the Tatmadaw’s “leading role” in national politics was guaranteed in the Basic Principles and by a number of unusual rights. These include control of three ministries (Defence, Home and Border Affairs), 25 per cent of all seats in the legislatures, and an effective block on constitutional amendments by requiring over 75 per cent approval among representatives in parliament.

In ethnic politics, there were also some new designations. Three forms of legislature were now created: lower and upper houses of parliament, state/region assemblies. But while the seven ethnic “states” and seven “regions” (formerly divisions) were retained from the 1974 constitution, five new “self-administered zones” were designated for the Danu, Kokang, Pa-O and Ta-ang populations in the Shan State and Naga in the Sagaing Region, as well as a “self-administered

division” for the Wa in Shan State. In addition, 29 electoral seats were reserved for “national race” populations in states and regions where they form smaller minorities.⁵² This means that twenty nationality groups, including the Bamar majority, are now demarcated by rights or territories on the constitutional map.

For the moment, the political consequences of these new delineations are still unclear. Some nationality leaders have worried that a proliferation of political identities might be used to undermine the integrity of the ethnic states. In contrast, campaigners among smaller nationalities say that they have been encouraged by constitutional recognition. Certainly, the 20 peoples acknowledged in the constitution generally reflect the main identities or ethnic movements that are active in the country today. Only one large group has been obviously excluded: Muslim inhabitants, predominantly in the Rakhine State, who identify as Rohingya.⁵³

In 2008, however, the biggest task still awaited Snr-Gen. Than Shwe: the introduction of the new constitution. Two decades after the SLORC assumed power, the political landscape remained divided and, once again, a new constitution had been drawn up without peace or national inclusion. Myanmar remained a land in conflict where grave human rights abuses were still prevalent and, in many parts of the country, schisms and violence were being caused, or exacerbated, by the government’s military activities and tactics.

On the national stage, the main split was between the SLORC-SPDC and the NLD, but these divisions were also reflected in ethnic politics. While a majority of EAOs had ceasefires with the government, the KNU, KNPP and their NCUB allies continued to stand out for “political dialogue” before any peace agreement. This led to some significant national divisions. Most obviously, the ceasefire areas of such forces as the KIO, MNDA and UWSA in China border regions were promoted by the SLORC-SPDC as “model” regions of peace and development. In contrast,

the Tatmadaw continued to launch military operations in areas where EAOs refused to agree ceasefires. In southeast Myanmar especially, the severity of fighting saw the number of IDPs pass the half million mark and over 150,000 refugees, as well as up to two million migrants, cross the border into Thailand.

From the intensity of such campaigns, it was clear that the government was determined to prevent opposition groups from uniting or building strength together. This led to splits or fragmentation among several nationality movements, including the KNPP and KNU. Another area of volatility was the Shan State where the Mong Tai Army (MTA), led by Khun Sa, agreed a “surrender ceasefire” in 1996. Subsequently, a major displacement of civilians took place during Tatmadaw operations when a new organisation, the Shan State Army/Restoration Council Shan State (SSA/RCSS), emerged in the MTA’s aftermath.⁵⁴

It was not, however, only communities in the front-line that were targeted in security repression. In 2005 a number of Shan leaders were arrested on Shan State Day in Taunggyi for organising a meeting to discuss the National Convention. Among those imprisoned for “high treason” were two convention delegates: the SNLD leader, Khun Htun Oo, and the SSA/SSPP ceasefire leader Sao Hso Ten, who received 93 and 106 year jail-terms respectively.

Similar worries were felt about political developments in other ceasefire areas of the country. Initially, the end to fighting had been welcomed, with international organisations allowed aid access for the first time in many decades. But, over the years, local resentment started to grow as economic corruption saw the exploitation of such natural resources as jade, gold and timber get completely out of hand, especially in the Kachin and Shan States.⁵⁵ Much of the new business was controlled by Chinese or government-related interests. In many areas, the production of illicit narcotics also increased, with local pyithusit forces backed by the Tatmadaw

often involved.⁵⁶ The result was a situation described by community leaders as “ceasefires without peace”.

Against this troubled backdrop, it became difficult to see how the SPDC government could move ahead with its political “roadmap” vision. There were widespread criticisms when a referendum to approve the new constitution was hurried through in May 2008 in the aftermath of Cyclone Nargis during which over 130,000 people died. Human Rights Watch dismissed the referendum as a “Vote to Nowhere”.⁵⁷

Uncertainties then deepened in April 2009 when all the ceasefire groups were ordered to reform into Border Guard Forces (BGFs) under Tatmadaw control. Some of the smaller organisations agreed, but the strongest forces refused, including the KIO, MNDAA, NMSP, SSA/SSPP and UWSA. Four months later, the MNDAA leadership was ousted in the Kokang region and replaced with a BGF during a military operation led by the future Commander-in-Chief, Snr-Gen. Min Aung Hlaing. Over 200 fatalities were reported and 37,000 people fled into neighbouring China.⁵⁸

As the clock ticked down on the SPDC government, expectations were therefore low of any significant change in national politics. Neither the National Convention nor ethnic ceasefires had delivered inclusive reform, and the SLORC-SPDC era was ending as it had begun – in a divided country where ethnic conflict and political repression still ran deep. In June 2010, the USDA was converted into the Union Solidarity and Development Party (USDP), headed by Gen. Their Sein and other senior officers who retired from the Tatmadaw to take up their new positions. But with Aung San Suu Kyi, Khun Htun Oo and other pro-democracy leaders still in detention, there was never any doubt about who would win the November polls. Both the NLD and UNA parties boycotted the general election, and the USDP gained nearly 80 per cent of electoral seats.

A number of (mostly) new parties did stand in the polls, and Aung San Suu Kyi was released by the

SPDC a few days after the election was over. But when the USDP MPs-elect were added together with the Tatmadaw's reservation of seats, the dominance of the national armed forces looked complete across all levels of the legislatures.⁵⁹ The incoming president, Thein Sein, was also the outgoing SPDC prime minister.

From this unpromising start, there appeared no indication of the rapid change that was now about to gain momentum across the country.

President Thein Sein's "NCA" Process: 2011-16

Background

Speaking in London in July 2013, President Thein Sein made a much-publicised claim: "Very possibly, over the coming weeks, we will have a nationwide ceasefire and the guns will go silent everywhere in Myanmar for the first time in over sixty years."⁶⁰ Thein Sein's prediction was premature but, on the surface, he had much to feel confident about. The initiatives he had made to introduce liberalisation after taking office had been welcomed with alacrity. In the aftermath of the Cyclone Nargis tragedy, the national mood was undoubtedly different, and awareness had deepened in many sectors of society, including Tatmadaw ranks, of the urgent need for reform.

Crucially, support for political change was also encouraged by Western governments who believed that, in President Thein Sein, there was now a national leader with whom they could "do business". At first, change was most evident in Yangon and the main conurbations. But with the gradual lifting of Western sanctions, Myanmar soon appeared a very different place to international visitors. If nothing else, Thein Sein's unexpected suspension of the Myitsone Dam project with China in September 2011 indicated that he was prepared to make decisions differently. As he told his audience in London, the government's aim was "nothing less than a transition from half a century of military rule and authoritarianism to democracy."⁶¹

Six years after Thein Sein took office, however, there remain many questions over the nature of political change in the country. The entry of Aung San Suu Kyi and the NLD into the legislatures through parliamentary by-elections in April 2012 marked an important symbol of hope. But even with the party's subsequent general election victory, it has yet to be explained how the NLD could change its policy from opposition to the 2008 constitution to a belief that it can be amended as the basis for nationwide reform. Myanmar today has a quasi-civilian government – not a democratic government that is fully representative of all the peoples. As yet, there has been no breakthrough moment of national peace and reform.

Nowhere has this dilemma been more urgent than in the ethnic borderlands. Once again, a change in government was the prelude to a major upheaval in national politics. On the surface, the advent of Thein Sein's government marked a time of new energy, with up to a hundred organisations representing different nationality causes, including ceasefire, non-ceasefire and electoral parties – as well as an even greater diversity of civil society groups.⁶² Community-based activities were also given a boost by the introduction of a new peace initiative. But, as nationality leaders complained, such complexity was not reflective of political aspirations but, rather, the legacy of conflicts in which many communities have become divided.

As in the BSPP and SLORC-SPDC eras, there were two main elements to regime transition – military and political, and, once again, new divisions in the country began to emerge. Thein Sein's government did not mark a "Year Zero" in national politics, but evolved from five decades under military rule. This was to have special resonance in the different nationality regions. When Thein Sein took office, there were both ceasefire and non-ceasefire EAOs in different parts of the country, as well as dozens of "pythisit" militia, and considerable alarm had been caused by the Border Guard Force debacle in 2009 that had seen loss of life in the Kokang region.⁶³ Somewhat

remarkably, the issues of demilitarisation, disarmament and political transition had never been properly discussed with the major ceasefire groups before the Tatmadaw's BGF order. It has proven a major failing.

Eventually, 23 BGF battalions were formed among smaller EAOs, such as the NDA-K, that agreed to come under the Tatmadaw's apparent authority while others, notably the PNO, took on local militia status.⁶⁴ But the stronger organisations all refused, leading to emergency meetings in the Thai-Myanmar borders during February 2011 among (mostly) former NDF members on the eve of Thein Sein coming to office. Here, they formed a new alliance, the United Nationalities Federal Council (UNFC), to call for federal democracy and lead future negotiations (see chart, "Ethnic Armed Organisations: August 2017"). In a significant change in alignments, the UNFC – eventually consisting of 12 member organisations – included both ceasefire (the KIO, NMSP and SSA/SSPP) and non-ceasefire EAOs (notably the KNU and KNPP).⁶⁵ The UNFC also advocated the formation of a "federal union army" as part of any reform settlement.

What followed next remain matters of deep controversy, with opinion divided as to whether fighting resumed in northeast Myanmar by tragic circumstance or Tatmadaw plan.⁶⁶ But subsequently, the KIO ceasefire broke down in June 2011 when, within three months of President Thein Sein taking office, the Tatmadaw resumed military operations in the Kachin and northern Shan States for the first time in 17 years. As the numbers of casualties and IDPs increased, conflict quickly spread into adjoining Kokang, Shan and Ta'ang communities,⁶⁷ with the Tatmadaw reverting to its regional "clearance" tactics, a synonym for military operations that also target the civilian population to deny EAOs local support.⁶⁸ These conflicts still continue today, becoming a central obstacle to the achievement of national peace. Over 100,000 civilians have since been displaced in the China borderlands amidst repeated violations of international humanitarian law.⁶⁹

At the time, the deteriorating situation in northeast Myanmar was generally overshadowed by events elsewhere in the country, where there were hopes for better change. In an important act of timing, President Thein Sein chose this moment to roll out his own peace proposal, which quickly gained national momentum. At first, there were echoes of U Nu's "Arms for Democracy" initiative and Gen. Ne Win's "Peace Parley" in the invitation to armed opposition groups. But, with the proposed objective of a Nationwide Ceasefire Agreement (NCA), the new approach soon became much broader.

In the coming years, Thein Sein's peace promotion and rapprochement with the NLD became the most acclaimed aspects of regime transition. The new openness and decline of armed conflict in several new regions, especially in southeast Myanmar, were undeniable and laid the platform for greater political and economic change across the country.

However, with conflicts still continuing in other borderland territories, the Thein Sein government never succeeded in answering one vital question: was this new peace process really a gateway to national reform or, like the BSPP and SLORC initiatives, a mechanism to ensure the Tatmadaw's continued control during a time of national change? For many citizens the jury is still out.

Outcome

The first official announcement of a new peace initiative came in August 2011 when the Thein Sein government offered an "olive branch to national race armed groups that have not accepted the constitution yet".⁷⁰ On the surface, it appeared an important change in tone. But, by Thein Sein's reference to the constitution, the new government had already indicated that the 2008 constitution must be acknowledged as the basis for political reform. This remains a major national dilemma, not simply over whether the constitution can be amended but also because

its primacy has precluded many aspects of discussion in political dialogue and evocations of Panglong.

From this point, it is impossible to draw a single narrative in what has become one of the most labyrinthine peace processes in the world. As with the SLORC's National Convention, events are still unfolding, but the initial response to Thein Sein's offer was hesitant among EAOs. The collapse of the KIO ceasefire overshadowed most considerations, and the government's "Union Government Internal Peace-Making Group" first concentrated on reaffirming existing ceasefires with the UWSA, NDAA and other ceasefire forces which, like the KIO, had refused the BGF order.⁷¹

From late 2011, however, there was a change in dynamics, and the offer of peace talks was opened out to other ethnic nationality forces. With Thein Sein's rapprochement with the NLD, the peace offer gained rapid ground – a trend encouraged by the NLD's subsequent entry into parliament. Beginning with the SSA/RCSS in December 2011, new ceasefires were agreed over the following months with the Chin National Front (CNF), KNU, KNPP, Arakan Liberation Party (ALP), National Socialist Council of Nagaland-Khaplang faction (NSCN-K) and Pa-O National Liberation Organisation (PNLO).⁷² In 2013, a ceasefire was also agreed with the All Burma Students Democratic Front (ABSDF), a Bamar-majority group that had been set up in the aftermath of the 1988 crackdown (see chart, "Ethnic Armed Organisations: August 2017").

Two factors were integral to this early success among groups that, under the SLORC-SPDC, had been reluctant to make ceasefires. First, with the NLD's arrival in parliamentary politics, the previous "united front" alliances with pro-democracy groups among Bamar-majority activists disappeared overnight. And second, the support of Western donors provided confidence in Thein Sein's promises of change, especially in the Thai borderlands where many refugees and opposition groups were based. The Norway-backed Myanmar Peace Support Initiative (2012-

14) and government-affiliated Myanmar Peace Centre (MPC) encouraged reconciliation, and the European Commission President José Manuel Barroso attended the opening of the MPC's office in Yangon in November 2012.⁷³

To take the process forward, the MPC was tasked with liaising between EAOs and the government's chief negotiator, ex-Gen. Aung Min.⁷⁴ From these relationships, an architecture of language developed that came to define Thein Sein's initiative. With Western donor backing, importance was placed on partnership and community outreach, and this was encouraged by the establishment of ceasefire liaison offices and access for aid groups into territories where new truces had been put in place. In contrast, humanitarian access was frequently blocked by the central authorities in the Kachin and northern Shan States where fighting had resumed, casting a very different light on the government's peace endeavours.

Against this backdrop, it proved a major challenge to fashion a coherent peace process. A complicated set of networks developed over the following years, both in Myanmar and around its borders.⁷⁵ At the top were the Union Peace-Making Central Committee, chaired by President Thein Sein, and Union Peace-Making Working Committee (UPWC), which coordinated through the MPC with EAOs on such issues as ceasefire negotiations and relations with community groups. But, as today, there were also questions over who should develop the peace process – and, equally important, be included in nationwide peace.

The answers were not straightforward. The main ethnic alliance at the time, the UNFC, consisted of both ceasefire and non-ceasefire EAOs. There were, however, other influential actors, notably the UWSA and NDAA, who had ceasefires with the government but were not UNFC members. Different actors in China, too, were anxiously watching the spread of fighting with the KIO on the Yunnan frontier. Not only were there worries about stability and business investments,

but officials in Beijing were also keen to keep Western governments and aid organisations away from activities along the 2,185 km border with Myanmar (see “21st Century Panglong Conference: Outcome” below).⁷⁶

In this organisational vacuum, a new “Working Group for Ethnic Coordination” (WGEC) emerged from the new ceasefire signatories. Supported by the Euro-Burma Office led by Harn Yawngwe, a son of the late President Sao Shwe Thaik, the WGEC was regarded for a time as in rivalry with the UNFC, which, in contrast, was characterised as “hard-line”.⁷⁷ In February 2013, however, a government team led by Aung Min met with a 12-member UNFC delegation in Chiang Mai (Thailand), and, two months later, the WGEC put forward a framework for political dialogue and inclusive participation with democratic forces to establish the principles for political negotiations on the basis of the “1947 Panglong Agreement”. In March 2013, too, the Chinese government appointed a special envoy, Wang Yingfan, to support a new ceasefire agreement with the KIO. Following meetings in the Yunnan border-town of Ruili, this led to a de-escalation of hostilities agreement between the Myanmar government and KIO in May, witnessed by Chinese and United Nations officials, in the Kachin State capital Myitkyina.⁷⁸

As these initiatives took place, peace momentum appeared to be building. Differences of opinion remained and not all parties were involved in the different discussions. But the formulation of a three-phase plan to bring nationwide peace generally came to be promoted: state level agreements for local liaison; union level agreements for political dialogue and regional development; and a final peace accord involving both parliamentary and nationwide representation. The sequencing of military and political talks remains a particular problem. But by such a three-phase progression, it was intended that the processes for political reform and ethnic peace could be brought together, and the concept of a “Panglong II” or “Panglong Union Peace Conference” was floated before future elections.

Hopes now started to build of a national breakthrough. Different ceasefire, non-ceasefire, political and civil society organisations were able to meet without security interference, setting in motion a diversity of meetings that continued into subsequent years. In November 2013, representatives of 16 EAOs agreed the setting up of a Nationwide Ceasefire Coordination Team (NCCT)⁷⁹ during a summit at the KIO headquarters at Laiza, before proceeding to Myitkyina for a meeting with the government’s UPWC. Here, the NCCT presented an 11-point nationwide ceasefire framework to the UPWC which, in turn, presented a draft “nationwide ceasefire accord”.⁸⁰ The important principle of collective negotiation appeared to have been established. Also in attendance were the UN Secretary-General’s Special Envoy to Myanmar Vijay Nambiar and the Asian Special Representative of China Wang Ying Fan.

Optimism continued to rise over the next few months, highlighted by the visit of a UNFC delegation to Yangon where they met with Aung San Suu Kyi.⁸¹ Aung San Suu Kyi, in fact, had no active role in the peace process, and government officials privately feared that she might caution the UNFC to slow down peace negotiations in order to avoid providing political advantages to the USDP. But, with both Aung San Suu Kyi and Thein Sein apparently committed to similar goals, a sense of common purpose looked in prospect. In his message on Union Day, February 2014, President Thein Sein broke a Tatmadaw taboo of half a century by invoking Panglong and a federal future: “All national races are to establish the national unity based on ‘the Panglong Spirit’ and then march toward a peaceful, modern, and democratic nation through a federal system.”⁸² After decades of military government, these were words that citizens longed to hear.

Over the next two years, however, a collective peace process never evolved. Later a “blame game” developed as to why a national breakthrough was not achieved. There is probably no single answer but, in reconciliation terms, Thein Sein’s government never convinced many

communities about the likelihood of peace and meaningful reform. Rather, three key factors continued to deepen ethnic concerns in many parts of the country.

First, the scale of fighting in the Kachin and northern Shan States continued to increase, with the Tatmadaw frequently using jets and helicopter attack craft. As IDP numbers passed the 100,000 mark, armed resistance spread among the KIO's allies, the MNDAA and TNLA, which launched an unsuccessful bid to retake control of the Kokang region in early 2015.⁸³ During the same period, the Tatmadaw also launched regular attacks on the ceasefire SSA/SSPP in territories nearby in an apparent attempt cut links to strongholds of the powerful UWSA on the China border.

Northeast Myanmar, however, was not the only scene of conflict. During the same period, Buddhist-Muslim tensions and, sometimes, violence deepened in several parts of the country. Agitations spread from the Rakhine State where serious violence first broke out in June 2012, resulting in at least 80 deaths and up to 90,000 people displaced. The main victims were the Muslim population, and the question of the rights of the people who identify as "Rohingya" remains one of the most serious nationality challenges facing the country.⁸⁴ Since 2012, the crisis has only increased in scale (see "21st Century Panglong Conference: Background" and "Outcome" below). But, as anti-Muslim sentiment grew, other minorities in Myanmar worried about the emergence during Thein Sein's presidency of a militant Buddhist nationalism, headed by the "Ma Ba Tha" movement ("Organisation for the Protection of Race and Religion"), which appeared to enjoy some official backing as well as popular support.⁸⁵

Complicating matters, too, a new armed movement also began to spread among the Rakhine population during the same period. A number of small anti-government forces have historically existed among Rakhine communities in the tri-border with Bangladesh and India, including the ALP, which agreed a ceasefire

with the government in 2012, and the Arakan National Council (ANC), which is still considered to be in armed struggle. But following training in KIO territory, troops from a new organisation, the Arakan Army (AA), began to move into the Rakhine State borders during 2014.⁸⁶ The AA's emergence was not related to the Rohingya crisis and preceded the latest emergencies. But activists have since been able to win some support in border areas and, until the present, the AA remains close to the KIO, TNLA and MNDAA in political affairs.

This backdrop of conflict led to the second reason for nationality concerns about Thein Sein's peace process. Even while negotiations continued, they were accompanied by one of the most rapid periods of land-grabbing and natural resource exploitation in the country's history. Both the conflict-zones in northern Myanmar and new ceasefire areas were affected, and local peoples did not feel consulted.⁸⁷ Not only were the oil and gas pipelines pushed through from the Rakhine State coast to China, but there was also a dramatic escalation in jade exploitation in the Kachin State by companies often related to Chinese or Tatmadaw interests. Global Witness estimated the jade trade at a remarkable US\$ 31 billion in 2014 alone.⁸⁸ Although the Myitsone dam was now on hold, there remained deep worries about other hydropower projects in the borderlands, and civil society groups called for a moratorium on new investments until political dialogue and nationwide peace had been achieved.⁸⁹

Land-grabbing and resource exploitation then fed into the third reason for doubts in many communities about Thein Sein's initiative: the continuance of "divide and rule" tactics. The government peace offer was not regarded as a new beginning to achieve a nationwide dialogue but, rather, another step in the context of decades of civil war. It was not difficult to see. In a complete reversal of fortunes from the SLORC-SPDC era, the model ceasefire areas in the Kachin and northern Shan States returned to war-zones under Thein Sein's government, whereas the

former conflict-zones in southeast Myanmar were treated as regions of peace and targets for development.

During Thein Sein's presidency, a catalogue of new doubts about government intentions grew. Questions were first raised about "divide and rule" strategies at the inception of Thein Sein's peace process when the government's first new ceasefire, in December 2011, was with the SSA/RCSS, a Shan force with which SLORC-SPDC officials had said they would "never" negotiate: the only option was "surrender".⁹⁰ The Population and Housing Census in March 2014 also did little to improve inter-ethnic understanding by going ahead with the flawed "135 national races" designation of the SLORC-SPDC government that confuses ethnic identities.⁹¹ At the same time, there was unease in many communities about the activities of local BGF and pyithusit forces, several of which were headed by USDP MPs. As business investors crowded into the ethnic borderlands, many Tatmadaw-backed militias were heavily involved in economic activities, including illicit narcotics.⁹² Against this backdrop, the expansion of SSA/RCSS troops into the northern Shan State during 2015 appeared to confirm many suspicions of "divide and rule", especially when SSA/RCSS units started fighting with the non-ceasefire TNLA.

Many of these factors were overlooked or downplayed by Thein Sein's supporters at the time. Certainly, the conflicts in Myanmar's northern borderlands stood in contrast to the liberalisations that were generally gaining ground in other parts of the country. Insecurities in the conflict-zones, however, were deepening grievances and setting the scene for future failure. Although Thein Sein was in a position to call a nationwide ceasefire, he never actually took this step. Rather, his government's focus was on the mechanics, rather than the needs, of the peace process. Not only did this mean that nationwide inclusion and a level playing-field were never achieved in negotiations but essential issues like political dialogue, demilitarisation and transitional or interim arrangements were always pushed further down the road.

These weaknesses in inclusion and equality lay at the heart of Thein Sein's centrepiece: a Nationwide Ceasefire Agreement (NCA) that all political and nationality stakeholders in the country would be expected to sign. Only after this, it was argued, could a real political dialogue begin. With this in mind, work had already started on a draft NCA at an EAO summit at Law Khee Lar in KNU territory in January 2014.⁹³ This was updated at a further summit at the KIO headquarters in Laiza the following July, where it was confirmed that the ethnic NCCT, representing 16 organisations, would work on a final "single-text" draft with the government (see chart, "Ethnic Armed Organisations: August 2017").

The next month, after several meetings between the NCCT and UPWC, the principle of the establishment of a federal system was agreed. The EAOs appeared to accept the Tatmadaw's "three main causes", while Tatmadaw representatives acknowledged the political goals of the EAOs. It was a historic moment, followed by a plethora of meetings among political parties, civil society and other stakeholder groups in Yangon. For the first time since independence, it could be argued that all the key conflict actors were on the same page. It was, though, to be the last time that inclusive agreement on a broader peace process really seemed possible.

A new divergence now began to develop between groups close to the government and those that were on the outside of the peace process. Until the present day, the number of EAOs that should be represented in any nationwide process is problematical. Under the Thein Sein presidency a total of 21 was generally accepted – although this should not be considered as a definitive representation of the conflict landscape (see chart, "Ethnic Armed Organisations: August 2017"). But as time began to run down on his government, concerns began to grow among Thein Sein's supporters that they needed to deliver something concrete on the peace process before the next general election that was now looming. Not only did it look likely that Thein Sein would step down from office but there were also

doubts about the Tatmadaw's commitment to the NCA as well as the worries over the attitudes of international donors who were funding many of the peace initiatives.

Out of these reflections, a justification was found to hurry Thein Sein's peace process along: those who are ready to sign the proposed NCA should do so now, while the others can later join when they are ready. "The government will go ahead and cement a deal with whichever groups come on board," the MPC official Aung Naing Oo later wrote. "Better a half-signed deal than no deal at all."⁹⁴

Quite where this idea came from is disputed. Different actors in the peace process have said that the suggestion was mooted by international experts in the flurry of meetings and study trips during the consultation period, including to Northern Ireland, South Africa and Switzerland. Some of the ceasefire signatories also wanted to see faster progress, notably the KNU and SSA/RCSS. But, wherever this idea originated, it was to set the scene for a divisive rift in ethnic politics and the peace process that still continues.

Following the optimism of August, the NCA process now started to unravel. The following month, in an apparent sign of impatience, the KNU's veteran chairman Saw Mutu Say Poe walked out on the UNFC in a move that surprised many of his own supporters,⁹⁵ while Snr-Gen. Min Aung Hlaing criticised the UNFC for delays in signing the NCA. Equally contentious, Tatmadaw representatives rejected the previous agreement to "discuss federal union issues".⁹⁶

As NCCT-UWPC talks stalled, a dangerous hiatus followed, with clashes increasing again in several parts of the country. During October, the Tatmadaw began attacks on the ceasefire SSA/SSPP as well as non-ceasefire KIO, TNLA and MNDAA, and in November more than 20 trainees from alliance organisations were killed when the Tatmadaw shelled the KIO officer training academy.⁹⁷ Then, in a further escalation of conflict, in early February 2015 the MNDAA briefly

captured the Kokang "self-administered zone" capital of Laukkai, embarrassing the Tatmadaw and prompting an intensive counter-attack.

As these events unfolded, the government went ahead with its policy of persuading EAOs to individually sign a joint peace agreement. To try and maintain NCA momentum, a separate "Deed of Commitment for Peace and National Reconciliation" to build a "Union based on democratic and federal principles in the spirit of Panglong" was signed amidst fanfare on Union Day, 12 February, in Nay Pyi Taw.⁹⁸ The signatories included President Thein Sein, 16 ministers, three Tatmadaw generals and representatives of political parties. Just four ceasefire groups, however, signed: the SSA/RCSS, KNU and two breakaway factions, the Democratic Karen Benevolent Army ("DKBA [5]") and KNU/KNLA Peace Council (KPC).⁹⁹ Other nationality organisations were privately critical.

Hopes still remained, and there followed a period of intense activity during which different stakeholders tried to find a common agreement. In March, a potential NCA appeared to be reaching completion, when government and EAO negotiating teams initialled the latest draft. However not all NCCT and UNFC members were happy; EAO leaders had not approved the details; and there also questions as to who would actually sign – and witness – the NCA or become part of its implementation. There were also other important nationality voices, including political parties and community groups, that had yet to be consulted. And, as fighting continued, the Tatmadaw let it be known that there were six groups it would not accept into any agreement: three active forces, the AA, MNDAA and TNLA, and three largely dormant organisations in military terms, the ANC, Lahu Democratic Union (LDU) and Wa National Organisation (WNO), all six of which had been members of the NCCT.¹⁰⁰

It was against this backdrop that, in early May, the UWSA caused surprise by hosting an EAO summit at its Panghsang headquarters on the China border. Until then, the UWSA – the

country's strongest nationality force – had been publicly quiet and generally uninvolved in peace negotiations. But its emergence now reflected growing concern amongst Wa, as well as Chinese, officials about the spread of conflict along the Yunnan border. A ceasefire with the government had been in place since 1989, and the UWSA controlled large areas of the Shan State – a position bolstered, to some extent, by the creation of a Wa “Self-Administered Division” under the 2008 constitution. However, as fighting continued with the KIO, MNDAA, TNLA and, sometimes, SSA/SSPP in territories to the north, the UWSA and their close NDAA allies became concerned that they would be targeted next in Tatmadaw operations. In particular, the UWSA, MNDAA and NDAA had all begun their lives as breakaway groups from the CPB in 1989, and leaders had continued to maintain close ties.

Reflecting these worries, a final statement was agreed after a week of discussion at the Panghsang meeting, calling for the inclusion of all EAOs in the NCA, an end to fighting before an NCA signing, and the amendment of the 2008 Constitution.¹⁰¹ One month later, another EAO summit was held in KNU territory at Law Khee Lar, which was attended by UN Secretary-General Special Advisor Vijay Nambiar and China's Special Envoy on Asian Affairs, Sun Guoxiang. Here, it was also decided not to accept the latest NCA draft but to introduce proposals for amendments, including clauses relating to humanitarian aid and development programmes. Equally important, it was further confirmed that EAOs would not sign an NCA unless it included all 16 NCCT members (see “Chart: Ethnic Armed Organisations, August 2017”).¹⁰²

The question of peace inclusion remains a main point of contention. In many respects, these announcements at Panghsang and Law Khee Lar reiterated decisions made at previous EAO summits. But by these public declarations, a marker was laid down of the need for real inclusion – not selective – in any final NCA. The frustration expressed by many EAO leaders was now very deep. Given that the Tatmadaw's

criteria have constantly shifted over the years as to who may – or may not – be allowed a peace agreement, the perception remained widespread that the exclusion of certain EAOs is a strategic device to undermine opposition and allow military operations to continue.¹⁰³ As fighting rumbled on in several parts of the country, many nationality leaders questioned how nationwide peace would be possible if certain groups and territories were excluded.

Two further NCCT-UPWC meetings now followed to try and agree a common NCA, this time including the Bamar-majority ABSDF. But the calls by EAOs for amendments and inclusion were never resolved. Instead, with the general election looming, the Thein Sein government proceeded with its “partially-signed” concept.

It was a time of high tension. An NLD victory in the polls was widely predicted, but there were also many doubts as to whether the USDP-Tatmadaw would allow a transfer of power to the NLD. Certainly, the pressures for an urgent NCA signing looked like an election ploy by the USDP. For their part, NCA supporters argued that, with peace talks now in their fifth year, tangible evidence of ceasefire progress was needed before Thein Sein stood down. In contrast, many opposition groups believed that it was better to trust in an NLD victory and wait until a new government was in place. At this moment, Aung San Suu Kyi bolstered expectations of a new peace approach when she called on the campaign trail for a “Second Panglong Conference”, with the pledge that, in government, the NLD “will prioritise the peace process and dialogue”.¹⁰⁴

The lack of inclusion, however, in the NCA was never addressed. Instead, a “partial” NCA signing went ahead in a lavish ceremony in Nay Pyi Taw on 15 October 2015. Witnessed by ambassadors from 45 countries as well as representatives of the UN, EU and World Bank, delegates of just eight EAOs signed the treaty with Snr-Gen. Min Aung Hlaing and President Thein Sein. The NCA, Thein Sein said, was a “historic gift” to future generations.¹⁰⁵ Less acknowledged was the

fact that the majority of the EAOs did not sign, including the KIO, KNPP, NDAA, NMSP, SSA/SSPP, TNLA and UWSA. Of those that did sign, only three could be considered of importance: the KNU, SSA/RCSS and, to a lesser extent, CNF. The others were mostly small or splinter factions from other groups: the ALP, DKBA (5), KPC, PNLO and ABSDF, the last of which is not a nationality force.¹⁰⁶ Importantly, too, Aung San Suu Kyi did not attend, although an NLD representative was present.

In its defence, the NCA could be described – like the 1947 Panglong Agreement – as aspirational. It was, however, very different and, certainly, much more complex. With conflicts still continuing, it was also a misnomer on every count: it was not “nationwide” and therefore could not be considered as a “ceasefire” nor an “agreement”. Rather, consisting of seven chapters and 33 clauses, the NCA attempted to lay out a long-term roadmap to political solutions, involving both parliamentary reform and ethnic peace.¹⁰⁷ The Tatmadaw’s “three main national causes” were guaranteed of “non-disintegration of the union, non-disintegration of national solidarity, and perpetuation of national sovereignty”. In counter-balance, there was also respect for ethnic nationality concerns in the basic principles which set out the objective of establishing:

“a union based on the principles of democracy and federalism in accordance with the outcomes of political dialogue and in the spirit of Panglong, that fully guarantees democratic rights, national equality and the right to self-determination on the basis of liberty, equality and justice”.¹⁰⁸

To take these objectives forward, a Joint Ceasefire Monitoring Committee and military codes of conduct would be established. These, in turn, will be followed by a “political dialogue”, framed by a Union Peace Dialogue Joint Committee (UPDJC) and including a “Union Peace Conference”, to achieve a comprehensive peace agreement that would become the basis “for amending, repealing and adding provisions” to the 2008 constitution. However, although “interim” arrangements

were discussed, there was a lack of clarity on agreement for monitoring mechanisms until national reform is achieved, including the critical areas of disarmament, demobilization, and reintegration (DDR) and security sector reform (SSR).¹⁰⁹ Until the present, these issues are yet to be addressed.

With the NLD’s landslide victory in the November election, the last months of Thein Sein’s government did little to address nationality concerns about the conflict landscape. Even while the NCA signing was taking place, the Tatmadaw launched a new offensive against the ceasefire SSA/SSPP in an attempt to capture its Wanhai headquarters. Over 6,000 villagers were displaced and the election polls were disrupted in local constituencies.¹¹⁰ Military operations also increased in the Ta’ang region further north, with both local pyithusit forces and the SSA/RCSS, an NCA signatory, involved in clashes with the non-ceasefire TNLA. And in many communities worries deepened about the spread of an assertive Buddhist nationalism, which appeared to be endorsed in parliament by four “Race and Religion Protection Laws” before Thein Sein stood down.¹¹¹

In a final legacy event, a first “Union Peace Conference” was organised in January 2016 before Thein Sein’s departure. It was clear, however, that the peace process was faltering. The USDP had suffered a significant defeat in the election and, although some non-NCA groups were invited as “observers”, none actually took part in the conference. “They are discriminating against us,” claimed U Twan Zaw of the ANC. “Signatory groups have full authority to make decisions in the meeting, and the government awards them peace. All we get from the government is more fighting.”¹¹² As the veteran SNLD leader Khun Htun Oo complained: “Without a guarantee of equality, how can we work together?”¹¹³ This time, Aung San Suu Kyi did attend a joint peace meeting between the government and EAOs, calling for a “real democratic federal union”.¹¹⁴ But she also described the event as “just a token”. “The real peace conference will have to be conducted by the next government,” she said.¹¹⁵ As she explained

in an Independence Day speech: “The peace process is the first thing the new government will work on. We will try for the all inclusive ceasefire agreement.”¹¹⁶

President Thein Sein’s government thus ended under a shadow. There can be no doubt that his administration was pivotal in opening doors in the country to modernity and many long-denied freedoms. It was also important to acknowledge that, in southeast Myanmar especially, new peace bridges had been built and communities were attempting to rebuild after decades of conflict. Several other parts of the country, however, had seen the greatest escalation in fighting in many years. Even in areas where there were ceasefires, refugees had not started returning home from camps in Thailand. Meanwhile the numbers of IDPs and refugees along the Bangladesh and China borders were continuing to grow.

In hopes of change, UNFC members formed a new negotiating committee to be ready to open talks with the incoming NLD government. Many citizens, however, were still apprehensive as to whether the Tatmadaw leaders, after half a century in government, had truly changed their attitudes. Would the NLD really be allowed to form the next administration and, if so, what kind of government would this be? Could a “new Panglong” really be imminent?

21st Century Panglong Conference

Background

For the moment, it is too early to make definitive judgements on the NLD’s impact in Myanmar government history. Before taking office, an extraordinary burden of challenges had built up that were too much to expect any new administration to immediately resolve. Nevertheless, after years of sacrifice by pro-democracy campaigners, there was considerable expectation that the party would move quickly on its election promises of “time for change”. Aung San Suu Kyi’s prioritization of ethnic peace before

taking office further raised expectations, both at home and abroad.¹¹⁷

It did not take long, however, for a rather different picture to emerge. On the surface, political transition was continuing towards democratic government. But rather than the NLD pursuing radical change, it was soon clear that the USDP-Tatmadaw administration led by Thein Sein had been replaced by a new hybrid government – the NLD-Tatmadaw – headed by Aung San Suu Kyi.

Many warning signs were in place. With control of a quarter of seats in parliament, three ministries and the General Administration Department,¹¹⁸ there was little immediate change in Tatmadaw authority. The Tatmadaw also maintained a majority on the National Defence and Security Council, the highest-level body for coordinating civil and military affairs.¹¹⁹ Such dominance was highlighted when restrictions under the 2008 constitution were used to block Aung San Suu Kyi from becoming President (on the grounds of foreign relatives by marriage to a British national). Instead, a new position of State Counsellor had to be created, and a retired academic, civil servant and close ally, U Htin Kyaw, took on a largely ceremonial role as president.

Once in office, the limitations on the NLD’s position were highlighted when Aung San Suu Kyi appeared to concentrate on achieving a *modus vivendi* with senior Tatmadaw officers. In August 2016, a new “21st Century Panglong Conference” was announced, and an independent “Advisory Commission on Rakhine State” was also appointed, headed by former UN Secretary-General Kofi Annan. But to the dismay of international supporters, the new government refused to cooperate with an investigation by the UN Human Rights Council, and the mandate of the UN Secretary-General’s Special Advisor Vijay Nambiar, who had played an important role in the peace process, was not renewed.

Equally unexpected, nothing critical was said by party officials when the Tatmadaw sustained military operations in the Kachin and Shan

States after the NLD assumed office. Human rights concerns then rose further during a major security crackdown that displaced over 70,000 people, predominantly Muslims, in the Rakhine State after a new armed force, subsequently known as the Arakan Rohingya Salvation Army (ARSA), killed eight policemen during a surprise attack in October.¹²⁰ In response, NLD officials appeared to accept the Tatmadaw's designation of people claiming Rohingya identity as "Bengalis" – hence not citizens of Myanmar.¹²¹

In private, NLD officials insisted that they had not given up on commitment to change. For the moment, however, they argued that this means co-existence with three key realities in national politics: the 2008 constitution, the Tatmadaw and the Commander-in-Chief Snr-Gen. Min Aung Hlaing. In defence of this position, various explanations are given: that reconciliation is needed between the Tatmadaw and pro-democracy parties; that cooperation is needed with the Tatmadaw to amend the constitution; that there is nothing the NLD can do in areas where the Tatmadaw exercises its own authority; that Aung San Suu Kyi is very conscious that her late father had founded the national armed forces; and that, now in government, the NLD also has to take responsibility for Tatmadaw actions.¹²²

There are, however, also deeper concerns. Not only has the nationalist Ma Ba Tha movement sought to escalate its activities since the NLD's advent to office but, as fighting spread in several parts of the country, some party officials even feared that the Tatmadaw might stage a coup. Initially, foreign diplomats thought such worries unfounded. But the assassination of U Ko Ni, a prominent Muslim and the NLD's leading constitutional lawyer, outside Yangon airport in January 2017 caused widespread shock. It was widely regarded as a warning shot by military interests against rapid change.¹²³

Since this time, optimism over the pace of national reform has declined. Economic transition is still underway and, supported by international institutions, it is argued that – as in other

emergent democracies – economic change is needed to sustain political change. Nevertheless, within months of the party taking office, criticisms began to spread that the NLD was doing little to clarify its policies or show distinctive leadership. Party organisation remained top-down; decision-making was focused around Aung San Suu Kyi; the party appeared to be prioritising memorials to Aung San Suu Kyi's late father, Aung San, rather than addressing local concerns;¹²⁴ and officials from former military-backed governments were preferred as staff in a number of key positions. Also criticised, the use of restrictive laws appeared to be increasing, notably 66(d) of the Communications Act and 17/1 of the Unlawful Associations Act.¹²⁵ If the NLD disapproved, the government was slow to take action, apparently reflecting Aung San Suu Kyi's support for the "rule of law" in democratic transition.

Against this backdrop, the proposed centrepiece of the NLD's reform initiative – the "21st Century Panglong Conference" – came to take on critical importance. Ethnic peace and an end to military government are shared aspirations among all Myanmar's peoples. But as NLD-Tatmadaw relations came under close scrutiny, many nationality parties complained of a new worry. With the NLD failing to halt fighting, there were basic issues of trust. As veteran leaders pointed out, the NLD-Tatmadaw government marked the first time since the earliest days of independence that the two main parties among the Bamar majority – in this case the NLD and Tatmadaw – were actually working together in government.

On the surface, cooperation between Bamar-majority parties should be a positive step in the search for national peace and stability. But, as conflict continued in several borderlands, non-Bamar leaders privately voiced the fear that domination by just one nationality group in government could actually turn out to be worse for their interests. The Panglong Agreement in 1947 was based on union and equality between peoples – not an ethnocratic state led by just one group: the Bamar majority. But this is what it was feared might now happen. Across the country,

nationality parties watched cautiously to see what Aung San Suu Kyi's "Panglong-21" initiative would bring.

Outcome

Despite the difficult backdrop, the 21st Century Panglong Conference that began at the end of August 2016 marked the highest point in hopes for national reconciliation after armed struggles first began at independence in 1948. The gathering was co-billed as a "Union Peace Conference" as the second in the NCA process initiated under President Thein Sein. But by reviving the "Panglong" name, the NLD was claiming a historic legitimacy that encouraged hopes of far-reaching change. In her opening address, Aung San Suu Kyi asserted that the government's objective was to return to the "Panglong spirit and the principle of finding solutions through the guarantee of equal rights, mutual respect, and mutual confidence between all ethnic nationalities."¹²⁶ In a long-divided country, these were words that received popular acclaim.

Prior to the conference, 17 EAOs met at Mai Ja Yang in KIO territory for a plenary meeting, including both NCA signatories and non-signatories.¹²⁷ Other participants included the Women's League of Burma and members of the two ethnic alliances in electoral politics: the UNA and Nationalities Brotherhood Federation. China's Special Envoy on Asian Affairs, Sun Guoxiang, was again present as well as UN Secretary-General Special Advisor, Vijay Nambiar, shortly before the ending of his role. A Panglong Handbook was endorsed that had been drawn up by Chin, Kachin and Shan representatives, reflecting the role of their predecessors in the 1947 Panglong Agreement.¹²⁸ Confirmation was also agreed on "nine principles" that would need to be considered in an amended NCA draft in the establishment of a Federal Democratic Union.¹²⁹ Other controversial issues included whether the 14 "state" and "region" designations in the 2008 constitution might be changed, and concerns were expressed

that, in ceasefire transition, the Tatmadaw was only pressing for "disarmament, demobilisation and reintegration" of the EAOs rather than security sector reform. There were worries, too, about the balance of ethnic representation on the Union Peace Dialogue Joint Committee, which had been tasked under the NCA with framing national political dialogue.¹³⁰

Many of these ideas were then taken to the Panglong-21 meeting. A wide cast of national actors were among the 750 delegates, including members of political parties, the Tatmadaw, civil society organisations and different EAOs, whether NCA signatories or not. In an important mark of international recognition, UN Secretary-General Ban Ki-moon also gave a keynote speech.¹³¹ The meeting was not inclusive, however, and the Tatmadaw's objections to the AA, MNDAA and TNLA continued, while the UWSA left early following a dispute over its representational status.¹³² But by allowing UNFC representation, compromise appeared to have been achieved, and 17 of the 21 "recognised" EAOs were involved in one form or another (see chart, "Ethnic Armed Organisations, August 2017").

In a short exchange of speeches, the KIO and UNFC leader Gen. N' Ban La said: "The reason why we, the non-Bamar ethnic people, are staging armed revolution is because of the loss of the Panglong Agreement's guarantees for democracy, national equality and self-determination of ethnic people."¹³³ For his part, Snr-Gen. Min Aung Hlaing highlighted the hardships of combatants on the different sides: "It's the Tatmadaw members and our brethren members of ethnic armed groups, who have been directly suffering from...the lack of peace in the country, sacrificing their limbs and lives."¹³⁴

There was little discussion, however, and once again optimism proved short-lived after a major political gathering in Myanmar. Rather than the Panglong-21 conference being based upon the commitments of the 1947 Panglong Agreement, many nationality leaders worried that the meeting was being used to try and rebrand the Panglong

name by providing very different definitions for the Panglong promises and spirit to those understood by non-Bamar peoples.

In advance of the conference, warnings had already been voiced that all was not well in the peace process, but it was hoped these were teething troubles that would soon be addressed. Prior to the meeting, the UPDJC had been reformed with Aung San Suu Kyi as chair; her personal physician Dr Tin Myo Win was appointed the new lead peace envoy; and a new National Reconciliation and Peace Centre (NRPC) replaced the MPC formed under President Thein Sein. As a government-affiliated body, the MPC was not without its critics and was often regarded as acting in a pro-Tatmadaw rather than intermediary role. But whether the NLD understood the ramifications or not, changes in personnel significantly affected relationships in the peace process.

In the following months, the NLD's good intentions were not in doubt. But the new NRPC lacked experience and staff, organisation was top-down, informal peace meetings were held less often, and relationship-building deteriorated. In this vacuum, concerns quickly grew that, with the change in government, the Tatmadaw was taking the opportunity to assert its dominance over the peace process, both in design and in the operational field. Equally criticised, Aung San Suu Kyi did little to address the perception that she prioritized relationships with Tatmadaw leaders rather than conflict-affected communities. "It seems to us, those in the ethnic political circles, that [Suu Kyi] is listening to the Tatmadaw most of the time instead of listening to the ethnic stakeholders," explained the Chin activist Cheery Zahau.¹³⁵

What transpired next has yet to be adequately explained by the NLD, Tatmadaw or EAO leaders involved. But, following the Panglong-21 conference, Aung San Suu Kyi met with the Snr-Gen. Min Aung Hlaing, and both the NLD and Tatmadaw's positions subsequently appeared to firm up behind the NCA as the only way

forward to achieve peace. The Tatmadaw's view was that the NCA could not be amended, and no progress was made in the following months on the "nine principles" that UNFC members wanted before signing. Indeed officers pointed out the Tatmadaw has "six principles" of its own, built around defence of the 2008 constitution, which they are not prepared to move from.¹³⁶ Certainly, after the Aung San Suu Kyi meeting, Tatmadaw commanders appeared to believe that they now had the green light for military actions, as they launched some of the heaviest operations yet in the Kachin and northern Shan States. Once again, a new wave of human rights abuses was reported amidst artillery shelling and aerial attacks. "Myanmar's borderlands on fire", concluded Amnesty International in a subsequent investigation.¹³⁷

This time, after several weeks of Tatmadaw attacks, the EAOs fought back in combative style, forming what became known as a new "Northern Alliance" consisting of the KIO, MNDAA, TNLA and AA. As fighting spread, in November a combined force nearly succeeded in taking control of the border town of Mongko, until forced out by an aerial bombardment during which many buildings were destroyed. Initially, the scale of fighting was overshadowed by the security operation underway in the Rakhine State in response to the attack on a police station by the new ARSA insurgency. In the following months, hundreds of people were reportedly killed and over 70,000 Muslim refugees fled into Bangladesh, causing widespread international condemnation at the apparent lack of government control.¹³⁸ But into 2017, conflict continued in several other parts of the country, and reform momentum started to stall. The subsequent assassination of the NLD lawyer U Ko Ni deepened insecurities, and the second Panglong-21 meeting, scheduled for February, was several times postponed.

Two dynamics now seemed to be driving any future impetus in the peace process. The first was the Tatmadaw. Even after six years of transition in government, the long-term strategies of the armed forces – beyond protecting the "Three Main

National Causes” – remained difficult to read. In 2015 a Defence White Paper had been published but, other than promotion of a “standard army”, little was revealed to the general public.¹³⁹ Following the NLD’s advent to office, however, a further hardening in Tatmadaw attitudes was noted by nationality leaders. They attributed this to the departure of Thein Sein, which left only Snr-Gen. Min Aung Hlaing as the other key appointment made by Snr-Gen. Than Shwe during regime change in 2011.¹⁴⁰ Since Gen. Ne Win’s time, the Commander-in-Chief is always a leading position in national politics.

How the Tatmadaw leadership will seek to direct future peace developments is still unclear.¹⁴¹ Snr-Gen. Min Aung Hlaing himself is scheduled for retirement at some time soon. Meanwhile Snr-Gen. Than Shwe also remains in the background, which was confirmed in unusual circumstances when he met with the veteran KNU leader Saw Mutu Say Poe in Nay Pyi Taw last year.¹⁴² But, whether under Min Aung Hlaing or his successor, it is widely believed that, following the USDP’s loss in the 2015 election, the military leadership have agreed on a common strategy to protect Tatmadaw interests while the NLD is in office.

In essence, senior officers regard both Thein Sein’s legacy and the NCA as already too “liberal”. Thus, to keep control of the transitional process, the 2008 constitution will be defended as the only path to national reform, while the NCA will be treated as the only route to ethnic peace. No other changes will be allowed. Equally critical, with land and resource conflicts increasing, the Tatmadaw is determined to maintain its pre-eminent position in the national economy. As a UN study by Vanda Felbab-Brown warned, the NLD’s room for manoeuvre is being limited by the “military’s continuing power and the intermeshing of the state and illicit economies.”¹⁴³

During early 2017, this narrowing horizon on the peace process caused alarm among nationality parties, including NCA signatories, which had envisaged the accord developing as the basis for broader political dialogue. On Karen Resistance

Day in January, Saw Mutu Say Poe warned that “the political aims and objectives of the Karen people have not been completed yet. They still have not gotten their legitimate rights.”¹⁴⁴ Subsequently, Saw Mutu led a KNU delegation to meet with KIO and other EAO leaders in Laiza, where the KIO and KNU issued a joint statement on the need to continue efforts towards nationwide peace.¹⁴⁵ In a further setback for the NLD, disillusion with the party was reflected in parliamentary by-elections in April 2017 when the SNLD and other opposition parties made gains in the ethnic states.¹⁴⁶

Here reform progress might have stalled but for the unexpected intervention by the second major influence in Myanmar’s peace process: China, the one international actor with the ability to exert pressures on all stakeholders.¹⁴⁷ China has many reasons for engagement. Following the CPB’s 1989 collapse, China became the leading international ally of the SLORC-SPDC, foreign investor and supporter of the ethnic ceasefires on the Yunnan border. Worries, however, began in 2009 when refugees fled across the border during the MNDAA conflict (the Kokang are also ethnic Chinese), and fears about instability and loss of life deepened with the breakdown of the KIO ceasefire in June 2011. The subsequent “Myitsone shock” in September then became a defining moment for Chinese policy-makers when the US\$ 1.4 billion project was abruptly postponed by President Thein Sein.¹⁴⁸

Since this time, Chinese intermediaries have sought to stop the fighting, initiating the 2013 peace talks between the Thein Sein government and KIO (see “President Thein Sein’s ‘NCA’ Process: Outcome” above). In March 2015, however, after five Chinese civilians were killed in a cross-border airstrike, Beijing warned of military retaliation if such incidents recurred.¹⁴⁹ Chinese officials were also worried about the possibility of Western influence in Myanmar (especially the USA and UK) with a potential NLD advent to government or aid organisations setting up “peace” operations along its borders. But in general, following the “Myitsone shock”, Chinese officials encouraged “soft power”

approaches, including business and academic, which, they believe, allow them to compete more effectively with Western actors. For the most part, this policy was thought to be going well by the time President Thein Sein stepped down, highlighted by the completion of the oil and gas pipelines to Yunnan Province as well as a visit to China by Aung San Suu Kyi in June 2015.¹⁵⁰

Two major factors then came together in early 2017 to hurry China into more dramatic action: the escalation of conflict along the Yunnan border and President Xi Jinping's "Belt and Road Initiative" (BRI: originally "One Belt, One Road").

On the conflict front, it would be wrong to generalise that such forces as the UWSA, MNDAA and NDAA are Chinese proxies, as Myanmar nationalists sometimes contend.¹⁵¹ The China Communist Party has always distinguished between "party-to-party" and "government-to-government" relations. At the same time, Chinese political and economic influence has long been undeniable in several parts of northeast Myanmar, with such peoples as the Kachin and Wa inhabiting both sides of the frontier. Chinese officials were thus very aware of the consequences of the Tatmadaw rejecting such forces as the MNDAA and TNLA from the NCA process, and they were very worried that fighting could soon spread into UWSA and NDAA territories further to the south. In May 2016, in a sign of the closeness of Chinese-Wa relations, the UWSA deputy chair Xiao Mingliang issued an eight-point statement in the Chinese media, urging China and UN involvement in the peace process.¹⁵²

Chinese officials now watched closely as, in early 2017, EAOs in northeast Myanmar began to make new moves. In February, two UNFC members, the KIO and SSA/SSPP, attended a summit at Panghsang, where the UWSA called for the NCA to be replaced and, instead, proposed to form a new political negotiation team between EAOs and the government. This created a dilemma for the UNFC alliance, which was still holding meetings with the government Peace Commission.

Although there was sympathy for a different approach, abandonment of the NCA was contrary to the UNFC's "nine principles", which called for the document to be signed if agreement could be reached. In April, however, the political stakes were increased on the China border with confirmation of the formation of a new coalition: the Federal Political Negotiation and Consultative Committee (FPNCC). During the coming weeks, the FNPCC grew to seven organisations, consisting of the UWSA, NDAA, SSA/SSPP and four non-ceasefire groups: the AA, KIO, MNDAA and TNLA.¹⁵³

The ramifications of this new alliance remain uncertain. Three parties – the AA, MNDAA and TNLA – had already left the UNFC previously in response to continued fighting with the Tatmadaw, while another three members subsequently resigned from the UNFC following the FPNCC's announcement: the KIO, SSA/SSPP and WNO. As a result, in terms of history, organisation and troop numbers, the FPNCC members far outweighed the eight NCA signatories in strength and representation, posing a major challenge to NLD and Tatmadaw plans. In addition to the NCA signatories and remaining UNFC groups, the government had to consider in peace talks the FPNCC, which produced a draft ceasefire agreement and set of principles for negotiation.¹⁵⁴ The Union of Myanmar, the FPNCC stated, should be built following the "Panglong Agreement, Panglong Promise, Panglong Spirit and through a political negotiation on the basis of freedom, democracy, equality, fairness and a federal system with full self-determination."¹⁵⁵

At this critical moment, the political stakes were dramatically elevated by the announcement of President Xi Jinping's "Belt and Road Initiative" to link China by land and sea with Eurasia. For several years, the BRI had been considered as more of a vision than a plan. But with the formal introduction of the BRI before a summit of international leaders in Beijing, there could no longer be any doubt about China's intentions. As the Myanmar Times reported, the Belt and Road could become a "global game changer" in the 21st century.¹⁵⁶ At the summit, State Counsellor

and Foreign Minister Aung San Suu Kyi also met with Xi Jinping, and government officials signed five economic, social and cultural memoranda in support of the BRI. “China is willing to continue to provide necessary assistance for Myanmar’s internal peace process,” Xi Jinping was quoted as saying.¹⁵⁷ Coming less than two weeks before the second 21st Century Panglong Conference, the timing could not have been more acute.

The backdrop was therefore highly complex as the second Panglong-21 approached. In advance, a UNFC team had what was described as a successful meeting with Aung San Suu Kyi.¹⁵⁸ Embarrassment, however, was subsequently caused when the State Counsellor incorrectly announced that five UNFC members had agreed to sign the NCA: the ANC, KNPP, LDU, NMSP and WNO.¹⁵⁹ This error was highlighted when the KNPP, NMSP and remaining UNFC members decided not to attend the second Panglong-21, because their “nine principles” for signing the NCA had not been agreed to in detail by the Peace Commission.

It was not, however, only UNFC and FPNCC organisations that had concerns about the upcoming meeting. NCA signatories also complained about the Tatmadaw’s behaviour during the preceding months, with some leaders proposing that the meeting should be further delayed. Among a number of concerns: ethnic-based political dialogue under the NCA terms was suspended for “security reasons” in the Rakhine and Chin States (the Chin dialogue was eventually held); the Tatmadaw blocked an ethnic-based dialogue in Taunggyi in the Shan State; a senior ABSDF member was still in prison following arrest under the Unlawful Associations Act; an ALP official had been detained for alleged sedition after accusing the Tatmadaw of human rights abuses; and intermittent clashes continued with the SSA/RCSS despite the NCA’s ceasefire provisions.¹⁶⁰ In short, the prospects for the Panglong meeting did not look good.

As different parties wavered, China now demonstrated its political influence. Following

a last-minute round of shuttle diplomacy, an FPNCC delegation flew in from Yunnan province to Nay Pyi Taw, and the second Panglong-21 meeting was able to begin in more encouraging circumstances than initially expected. Around 700 representatives from the government, Tatmadaw, political parties, EAOs and civil society were in attendance. In what many citizens hoped was a change of tack, Aung San Suu Kyi acknowledged that the NCA had limitations in her opening address. “We recognise that ceasefire negotiations can address surface problems, but only political dialogue can address underlying grievances,” she said. “As such the NCA itself is not the ultimate destination.”¹⁶¹

A diversity of meetings then followed in which the FPNCC members, as “invited guests”, only attended the opening session. As at the previous Panglong meeting, there was confusion about the UWSA’s status.¹⁶² But in a potential sign of compromise, Aung San Suu Kyi personally met with FPNCC members. Reflecting Tatmadaw sensitivities, they separated into two groups: the KIO, NDAA, SSA/SSPP and UWSA in one team, and the AA, MNDAA and TNLA in the other.¹⁶³ The FPNCC team also took the opportunity to deliver their ceasefire plan through Dr Tin Myo Win, the head of the government’s Peace Commission.¹⁶⁴

At the conference end, it was announced in the state media that agreement had been reached on 37 out of 45 basic principles for discussion in the political, economic, social, land and environmental fields in a Union or “Pyidaungsu” accord.¹⁶⁵ Future political reform, it was announced, will be on the basis of the principles of “federalism”.

The notion of progress, however, was not widely shared among nationality representatives. First, agreements were reported by the government without nationwide peace or the participation of all nationality voices. Second, delegates complained that many key issues were not debated at all.¹⁶⁶ Instead, when differences of opinion arose, these were decided upon by the UPDJC – not the delegates who were expected to approve by consensus or supermajority vote. And

Ethnic Armed Organisations: August 2017

Arakan Army^{1 2 3}
Arakan Liberation Party^{1 4 5}
Arakan National Council^{1 6}
Chin National Front^{1 4 5 7}
Democratic Karen Benevolent Army^{1 4 5 *}
Kachin Independence Organisation^{1 2 3 7 8}
Karen National Union^{1 4 5 7}
Karenni National Progressive Party^{1 4 6}
KNU/KNLA Peace Council^{1 4 5}
Lahu Democratic Union^{1 6}
Myanmar National Democratic Alliance Army^{1 2 3 7}
National Democratic Alliance Army^{3 4}
National Socialist Council of Nagaland-K^{4 **}
New Mon State Party^{1 4 6}
Pa-O National Liberation Organisation^{1 4 5 7}
Shan State Army/Restoration Council of Shan State^{4 5}
Shan State Army/Shan State Progress Party^{1 3 4 7}
Ta-ang National Liberation Army^{1 2 3 7}
United Wa State Army^{3 4}
Wa National Organisation^{1 7 ***}

All Burma Students Democratic Front^{4 5 ****}

¹ Nationwide Ceasefire Coordinating Team

² Northern Alliance

³ Federal Political Negotiation & Consultative Committee

⁴ Bilateral ceasefire with government

⁵ Nationwide Ceasefire Agreement

⁶ United Nationalities Federation Council

⁷ Ex-UNFC

⁸ Reduction of hostilities agreement with government

* A 2016 splinter faction is also active without a ceasefire

** Also operational in India

*** Current status in FPNCC uncertain

**** Non-nationality force based in ethnic territories

N.B. These are the 21 organisations usually recognised in the peace process since 2011. There are considerable variations in size, history, outreach and influence. The list should not be considered as final. There are also numerous Tatmadaw-backed Border Guard Forces and pyithusit, some of which are former ceasefire groups, such as the Pa-O National Army Pyithusit and Kaung Kha Pyithusit (ex-KIO 4th Brigade). In the northern Shan State, the most important groups include the Kutkai, Manpang, Pansay and Tar Moe Nye pyithusits. The BGFs include the former Democratic Karen Buddhist Army, Karenni Nationalities People's Liberation Front and New Democratic Army-Kachin. A recently-announced Arakan Rohingya Salvation Army is too new to put in national context.

third, it appeared to be Tatmadaw representatives who were really controlling the momentum of the Panglong-21 process – not the NLD or other participants. Privately, nationality representatives spoke of feeling “railroaded” into endorsing the 2008 constitution rather than negotiating new principles for political dialogue and reform.

The tone of Tatmadaw representatives was set in the opening address by Snr-Gen. Min Aung Hlaing who, reiterating the military’s “six-point” peace policy,¹⁶⁷ stressed the duty to stick to the NCA. Warning that “the discussions, activities and basic concepts of some ethnic groups are far beyond the federal system,” he asserted that the Tatmadaw would “face any organization committing destructive acts”.¹⁶⁸

Disagreement then came out into the open during discussion of the rights of the states and nationalities, when Tatmadaw representatives insisted upon the inclusion of a “non-secession” clause as a principle in the Union Peace Accord.¹⁶⁹ Not only was this proposal considered counter to the spirit of the 1947 Panglong principles, but it was also regarded prejudicial – and premature – to impose such a concept before the achievement of nationwide peace and political dialogue. Not all nationality parties were present at the conference, and not all communities had been permitted to hold ethnic-based dialogue under the terms of the NCA prior to the meeting.¹⁷⁰

Arguments continued for two days and, in the end, it was decided to leave the “non-secession” principle aside. This left a multitude of issues still to be agreed. The 37 basic principles were not from an exhaustive list nor the most important; rather, they largely came from the 2008 constitution and were considered the easiest to agree at the meeting. The consequence of this impasse, however, could be profound. Because the non-secession clause was not accepted, Aung San Suu Kyi and the Tatmadaw blocked discussion on basic principles that relate to equality, federalism and self-determination. Many nationality delegates were shocked at the government’s attitude.

The result was that, for a second time, a Panglong-21 meeting ended under a cloud. “Accord or discord at Panglong?”, questioned the Frontier Myanmar magazine.¹⁷¹ Nationality representatives complained that, rather than delivering a new era of reform, the NCA and Panglong-21 were simply a “second National Convention” to approve the 2008 constitution and continuance of the armed forces in government.

These concerns were amplified when, even though Panglong-21 is still in process, military officials began employing a language of suppressing “terrorism” and maintaining “law and order” in the field.¹⁷² Subsequently, three journalists were detained under the Unlawful Associations Act for visiting TNLA-controlled territory even though TNLA delegates had just attended the Panglong-21 meeting (they were eventually released over two months later).¹⁷³ Meanwhile Thailand blocked, through the intervention of a Tatmadaw attaché, a meeting of the Committee for Shan State Unity in Chiang Mai that would have brought together Shan EAOs, political parties and different civil society organisations.¹⁷⁴

Worries then deepened when the Tatmadaw chose this moment to launch another military offensive, described as “clearance operations”, in the Kachin State.¹⁷⁵ Amnesty International warned of the deteriorating situation in Myanmar’s northeast, reporting that around 100,000 people had already “been torn away from their homes and farms due to conflict and human rights violations”.¹⁷⁶ This time the Tatmadaw target was the amber mining region around Tanai, where local villagers were ordered to immediately relocate from their homes or be treated as “enemy” KIO.¹⁷⁷ Highlighting the growing concerns, the UN Special Rapporteur on the Situation of Human Rights Yanghee Lee warned that she was disappointed to see “tactics applied by the previous government still being used” at the end of a closely-monitored visit in July.¹⁷⁸

Worst-case predictions then multiplied in late August when violence exploded again in the

northern Rakhine State. The day after Kofi Annan's Advisory Commission on Rakhine State published recommendations on how to defuse the crisis,¹⁷⁹ another series of ARSA attacks was followed by a draconian Tatmadaw response against what the government described as "extremist terrorists".¹⁸⁰ In the following two weeks, around 400 people were reportedly killed amidst reports of arson and violence to drive local Muslims out, and the UN reported more than 300,000 refugees had fled across the border to join the estimated 350,000 refugees already living in Bangladesh.¹⁸¹ With international criticisms of the Tatmadaw and Aung San Suu Kyi mounting,¹⁸² the language on all sides became increasingly divided. The State Counsellor's office accused international aid organisations of helping "terrorists";¹⁸³ Turkish President Recep Tayyip Erdogan claimed the violence amounted to "genocide";¹⁸⁴ and the UN Secretary-General Antonio Guterres called for restraint to avoid "humanitarian catastrophe".¹⁸⁵

Lost sight of amidst the emergency, Kofi Annan's Advisory Commission did offer solutions to resolve the Rakhine State crisis, starting with a review of the 1982 Citizenship Law and removing restrictions on freedom of movement.¹⁸⁶ The "Rohingya" crisis, however, was not even on the agenda of the 21st Panglong Conference nor the NCA process. Formulating an effective response, therefore, within the present landscape of national politics – while undoubtedly an urgent need – may well prove an insuperable challenge for the NLD.

After decades of state failure, the political atmosphere is currently highly-charged. There can be no doubt that many communities in the Rakhine State have suffered from conflict and neglect since independence, including the majority Rakhine as well as Muslim inhabitants.¹⁸⁷ As Aung San Suu Kyi said in her 2012 Nobel Lecture: "Wherever suffering is ignored, there will be the seeds of conflict, for suffering degrades and embitters and enrages."¹⁸⁸ The initial attacks by ARSA supporters were also not in doubt. However the severe nature of the security response against Muslim communities is also

very evident as well as support by Buddhist nationalists for the Tatmadaw's actions.¹⁸⁹ Indeed Ma Ba Tha supporters have even accused the NLD of being "pro-Muslim".¹⁹⁰

Clearly, NLD leaders are having to walk a difficult line. Nevertheless Aung San Suu Kyi has furthered disquiet by appearing to put her support behind the Tatmadaw and Buddhist nationalists during the current emergency. The crisis in the Rakhine State, she claimed, was being distorted by a "huge iceberg of misinformation" that promotes the "interest of the terrorists".¹⁹¹ But with independent observers and foreign aid officials largely banned from the conflict areas, these explanations have done little to assuage human rights concerns about the growing loss of life and civilian displacement.

Such tragic events are now overshadowing thinking about the Panglong-21 process, with the next meeting scheduled for December. In mid-August, it was reported that agreement had been reached with the government's Peace Commission on four of the eight points that the KNPP, NMSP and remaining UNFC members wanted added to the NCA before signing.¹⁹² At the same time, the FPNC issued a statement expressing willingness to attend the next Panglong-21 meeting, calling for an end to Tatmadaw "offensives" and the start of political negotiations to "build a federal democratic Union that guarantees equality and self-determination."¹⁹³

Meanwhile, after the last Panglong-21 meeting, the KNU and other EAO signatories of the NCA initiated a process to review its implementation. Opinion was widespread that the latest Panglong-21 meeting had not only failed to follow the agreed procedures and spirit of the NCA but that the EAOs had not been treated as equals with the government and Tatmadaw in seeking solutions. Indeed it was no longer clear to many nationality leaders what peace procedures or agreements the government was actually following. For the moment, even after five years of ceasefires in NCA areas, no significant progress has been made on the most basic

issues of political reform, refugee resettlement and equitable development. As the political scientist Ardeth Maung Thawngmung wrote, NCA progress was increasingly being “undermined by an official failure to implement the agreement” and “by ongoing hostilities between the military and four of the country’s ethnic armed groups”.¹⁹⁴ “These make it difficult to achieve a compromise between two increasingly polarized positions,” she warned.¹⁹⁵

In summary, Myanmar stands at an uncertain crossroads after the NLD’s first 18 months in office. Far from achieving unity, another government peace process appears to be causing new divisions in national politics. For the moment, the 21st Century Panglong process is not at an end, and peace-building initiatives are scheduled to continue during the life of the present parliament: i.e. until 2020. Provided that there is the political will, this should provide the opportunity for citizens and actors on all sides to examine the current failings and redouble their efforts to achieve an inclusive and genuine peace for all peoples.

Such initiatives, however, will require compromise and deep reflection about the causes of injustice and inequality that have sustained seven decades of conflict in communities across the country. The situation remains urgent, and the challenges facing the NLD have, in many respects, become more difficult since it assumed office. Now in the fourth era of government since independence, modern-day Myanmar is still very far from the union of peace and equality envisaged by the new nation’s founders at the Panglong Conference in 1947.

Conclusion

Despite the depth of the current crises, hopes are not lost for peaceful reform in Myanmar. In a fast-changing environment, there are still many reasons why the present landscape – under a democratically-elected government – offers a better platform for reform than the

decades of military government that preceded. In communities across the country, the desire for peace remains strong. For this reason, it is trusted that, one day, the current difficulties can be looked back upon as impediments that could only be healed with patience and over time.

There is, however, no room for complacency. Unlike the Panglong Conference in 1947, the present Panglong-21 and Nationwide Ceasefire Agreement have become more about process and control than dialogue and reform on the issues that have long fuelled conflict and injustice in the country. Whether these difficulties are by circumstance or strategy cannot easily be separated. No side has a monopoly on righteousness or self-interest in the country.

Meanwhile, as political failures continue, many ethnic nationality communities continue to suffer and feel deeply marginalised during another era of government. A very unrepresentative status quo in power and decision-making in national politics and economics remains unaddressed. It was, above all, democratic change and an end to such inequality that citizens across the country had hoped to see when they voted for the NLD by a landslide in the 2015 polls.

During the past year, political and diplomatic pressures – both in the country and abroad – have been put upon nationality representatives to accept any peace offers on the table on the basis that they “may never have a better chance”.¹⁹⁶ Such suggestions, however, under-estimate the harsh realities and depth of opinion in many parts of the country after decades of civil war. It is, after all, communities in the conflict-zones that, more than anyone, want peace.

A number of serious concerns remain. Tatmadaw operations and civilian displacement have greatly eroded trust, even while peaceful solutions are being sought. Various explanations have been mooted as to why the government is still allowing military-first solutions in several borderlands, but it is not widely believed that the Tatmadaw wants negotiated solutions and inclusive peace. The

rush ahead with an NCA, without welcoming all groups, was also a major mistake, and the error has been compounded as talks have continued that could shape the country's future without representative inclusion. And even with the signing of a partial NCA, real political dialogue is yet to begin. Equally criticised, rather than the 21st Century Panglong Conference being a return to the principles of equality and union in the original Panglong Agreement, it now appears to be used as a roadmap for the 2008 constitution that many people do not accept.

To heal division, the prospect of federal reform does allow a national vision that all parties can unite behind in the achievement of peace and reform. As the SNLD and UNA leader Khun Htun Oo has said: "We believe in federalism, we fought for it, we've been to jail for it."¹⁹⁷ But nationality leaders also know that it is a high-risk time in ethnic politics. With reform still elusive, many fear that a second "colonisation" of their lands could now become a reality: the first by the British and, now, by the countrywide imposition of a centralised state where the agreements of Panglong are forgotten.

During the preceding decades of conflict, the constitutional dangers to non-Bamar peoples were not so apparent since different nationality forces continued to maintain their own administrations and territories. Politics among Bamar majority parties in the centre of the country were also deeply divided, and the country displayed many characteristics of a failed state. However, with the advent of the 2008 constitution and transition to quasi-civilian government, two processes have been increasing: the imposition of a unitary state into the ethnic borderlands and the invocation of natural resource control to justify military intervention.

It is little surprise, then, that ethnic-based activism is increasing, not decreasing, during this critical time. Peace processes should not be used as a political and economic by-way but prioritised at its national core. Witnessed by continuing instabilities and displacement in

several borderlands, nationality sentiments are currently running very high. The present crises in the Kachin, Rakhine and Shan States are not exceptional or peripheral challenges but are central to the failures of the modern-day state.

Looking to the future, the outcome of the peace process remains difficult to predict. To avoid failure, all citizens and parties must feel consulted and constructively involved. Far more attention has to be paid to building trust, reconciliation and inter-community understanding if federal reforms are to succeed. Reform of the 1982 Citizenship Law is also essential. As Thant Myint-U has written, it is time for a "critical reexamination of history and a fresh search for a more inclusive, 21st century Myanmar identity."¹⁹⁸ "Myanmar's biggest threat," he warns, "is not the return of dictatorship but an illiberal democracy linked to a negative nationalism."¹⁹⁹

Urgent action is now required. In the 21st century, there should be no grounds for armed conflict over issues that have always been political at root. Of the highest priority, a truly nationwide ceasefire and meaningful reform have to be achieved to bring all parties together in re-charting the country's political and economic future. Past generations of national leaders have already failed in this essential task, and it would be the greatest tragedy if the same failures were to occur again now. Bitter experiences during each era of government since independence have always warned that injustice and inequality only set the stage for further cycles of state failure and conflict. Seventy years later, it is very sad to reflect that this was precisely what the Panglong Agreement sought to avoid.

Endnotes

1. Ei Ei Toe Lwin, "Not without wrinkles, peace conference lauded for taking landmark 'first steps'", Myanmar Times, 5 September 2016.
2. Saw Yan Naing, "Myanmar Contributes to Increasing Global Displacement", The Irrawaddy, 20 June 2017. The UN High Commissioner for Refugees recorded 490,000 refugees and 375,000 internally displaced persons at the end of 2016, predominantly in Bangladesh and Thailand, the Rakhine, Kachin and Shan States, and southeast Myanmar. But this does not include many undocumented civilians fleeing conflict or moving abroad, with estimates of between two and three million migrants in Thailand alone. The number of refugees in Bangladesh is currently increasing, with estimates of over 300,000 new arrivals during the past few weeks.
3. Thant Myint-U, "Myanmar, an unfinished nation", Nikkei Asian Review, 17 June 2017; see also, Matthew Walton, "Myanmar's Myths of Ethnic Unity", The Irrawaddy, 17 July 2017.
4. U Nu from the Anti-Fascist People's Freedom League and a pre-war prime minister U Saw also gave speeches, while a message from the British Governor was read out.
5. See, Walton, "Myanmar's Myths"; Matthew Walton "Ethnicity, Conflict, and History in Burma: The Myths of Panglong", Asian Survey, November/December 2008, 48:6, pp.889-910.
6. Four Karen observers attended but took no part in the proceedings. For background, see e.g., Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London, Zed Books, 1991 & 1999), pp.78-9. For a recent account, see, Sao Sanda Simms, *Great Lords of the Sky: Burma's Shan Aristocracy* (Asian Highlands Perspectives, 2017), pp.77-79. The Attlee-Aung San Agreement with the British government the previous month had also delivered considerable authority into Aung San's hands, including recognition of his cabinet as an interim government.
7. See e.g., "Dateline Irrawaddy: The Panglong Monument and the Pagoda", The Irrawaddy, 18 February 2017.
8. Aung San Suu Kyi, "BBC Reith Lecture", BBC, 5 July 2011; National League for Democracy, "Election Manifesto: Authorised Translation", 2015.
9. "Suu Kyi reiterates call for 'Second Panglong'", DVB, 7 September 2015. While saying this had been party policy since 2010, she attributed the NLD's acceptance of the idea to a call by the ethnic Zomi National Congress (ZMC).
10. Sai Wansai, "Jump-starting the stalled peace process: Is Revitalization of the 1961 Federal Amendment Proposal the Way to Go?", Transnational Institute, 4 May 2017.
11. Ibid.
12. Ibid. According to Dr Maung Maung, Aung San stated: "When we build our new Burma, shall we build it as a Union or as a Unitary State?...In my opinion it will not be feasible to set up a Unitary State. We must set up a Union with properly regulated provisions to safeguard the rights of the national minorities." Maung Maung, *Burma's Constitution* (The Hague, M. Nijhoff, 1961), p.169.
13. Simms, *Great Lords of the Sky*, p.79.
14. Hugh Tinker, *Union of Burma: A Study of the First Years of Independence* (Oxford University Press, 1957), p.30.
15. The Kayah are the most numerous of Karen-related groups in the territory. Karenni nationalists prefer the collective name of "Karenni" and regarded the name change as government "divide and rule".
16. The main forces were the Arakan People's Liberation Party, Mon People's Front, Pa-O National (Liberation) Organisation, People's Volunteer Organisation, and Shan State Communist Party: see e.g., Smith, *Burma: Insurgency*, pp.168-9.
17. For analysis of the Tatmadaw's transformation, see, Mary Callahan, *Making Enemies: War and State Building in Burma* (Cornell University Press, 2003), pp.114-206.
18. For a recent discussion, see, Ye Mon, "In changing Burma, a question of civil-military dynamics looms large", DVB, 15 August 2017.
19. Smith, *Burma: Insurgency*, pp.189, 194.
20. "The Shan Federal Proposal: Document containing proposals for the Revision of the Constitution of the Union of Burma, submitted by the Shan State" (Ministry of Information, Shan State Government, 1961).
21. Sai Aung Tun, *History of Shan State From Its Origins to 1962* (Chiang Mai, Silkworm Books, 2009), p.443.
22. The Times, 3 March 1962.
23. Burma Weekly Bulletin, 21 June 1962.
24. Simms, *Great Lords of the Sky*, p.110.
25. Ibid.; see also, pp.296-99; "Appendix 2, Sao Harn Yawnghwe's Account", pp.457-62. See also, Inge Sargent, *Twilight Over Burma: My Life as a Shan Princess* (University of Hawaii Press, 1994).
26. Chao Tzang Yawnghwe, *The Shan of Burma: Memoirs of a Shan Exile* (Singapore, Institute of Southeast Asian Studies, 2010), p.111.
27. See e.g., Wansai, "Jump-starting the stalled peace process".
28. Smith, *Burma: Insurgency*, p.207.
29. Founding dates of the nationality parties: CNVP: 1956, CPA: 1962, KIO: 1961, KNPP: 1957, KNU/KNUP: 1947/53, NMSP: 1958, NDUF: 1959, and SSA: 1964.
30. For an account of these events, see e.g., Smith, *Burma: Insurgency*, pp.206-12.
31. TNI interview, 9 April 2015. The SSA/SSPP is also known as the SSA-North. The political wing, known as the SSPP, was founded in 1971.
32. See e.g., Smith, *Burma: Insurgency*, pp.211-2.
33. Ibid., pp.258-62.
34. Ibid., p.219. The Rohingya Independence Front – later Rohingya Patriotic Front (RPF) – subsequently split in the 1980s with the emergence of the Rohingya Solidarity Organisation (RSO). There was a conscious decision to promote an ethnic rather than faith-based identity for the rights of local Muslim communities. The name "Rohingya" has since become especially contentious in national politics. That there have been long-standing Muslim communities in both Arakan and elsewhere in Myanmar is not in doubt. But those who are perceived to be descendants of families that moved into the country after the first British annexation in 1824 are denied full citizenship and often regarded as "Bengalis" or "Indians". Other Muslims in the territory generally identify as "Arakanese Muslims", and there is also another nationality group who are mostly Muslim, the Kaman, who are recognised by the government. The "Rohingya", in contrast, are not included in the government's list of 135 "national races".
35. For a recent study, see, John Buchanan, "Militias in Myanmar", Asia Foundation, July 2016.
36. For a discussion, see, TNI, "Ethnicity without Meaning, Data without Context: The 2014 Census, Identity and Citizenship in Burma/Myanmar", TNI-Burma Centrum Nederland, Burma Policy Briefing No.13, February 2014.
37. See note 34.
38. See e.g., Smith, *Burma: Insurgency*, pp.318-20. For a history of KIO peace talks, see, "The Kachin Peace Process", Technical Advisory Team, Machyoi Hpung Rapdaw, 2016.

39. In addition to the KIO, KNPP, KNU and SSA, the original members were the Arakan Liberation Party (ALP), Kayan New Land Party (KNLP), Lahu National United Party (LNUP: later Lahu National Organisation [LNO]), Palaung State Liberation Party (PSLP), and Pa-O National Organisation (PNO). In 1977, the KNLP resigned, but in following years more parties joined: the NMSP (1982), Wa National Organisation (WNO, 1983) and Chin National Front (CNF, 1989).
40. See e.g., Interview with Gen. Saw Maung, "I Saved Burma", *Asiaweek*, 27 January 1989.
41. The terms are considered alternative forms in the Burmese language, but their use has become a politicised issue. Myanmar is mostly used in the country and international diplomacy, but it is not always used in the English language. For consistency, this briefing is using Myanmar as the contemporary form of usage.
42. "Maran Brang Seng: In His Own Words", *Burma Debate*, Vol.1, No.3, December 1994/January 1995.
43. Smith, *Burma: Insurgency*, p.425.
44. A new party, the National Unity Party, was set up by BSPP supporters, but it has never achieved national success.
45. Sixteen was the number the government usually quoted, but there were splits as well as changes in ceasefires over the years. The landscape was also complicated by the Tatmadaw supporting local pyithusit formations. For a 1998 chart that includes 23 ethnic-based forces with ceasefires and 13 without, see, Smith, *Burma: Insurgency*, Chart 3.
46. *New Light of Myanmar*, 27 February 1998.
47. MPs-elect, other legal parties, ethnic nationalities, peasants, workers, civil servants, intellectuals and other specially-invited guests.
48. Arakan League for Democracy (ALD), Mon National Democratic Front (MNDF) and ZNC.
49. ALD, MNDF, SNLD, ZNC, Chin National League for Democracy, Kachin State National Congress for Democracy, Kayah State All Nationalities League for Democracy, Kayin (Karen) National Congress for Democracy, United Nationalities League for Democracy.
50. "Basic Principles", Constitution of the Republic of the Union of Myanmar (Yangon, Ministry of Information, 2008); see also, SLORC Order No. 13/92, 2 October 1992.
51. This was reflected in seven major areas of disagreement: the legislative powers of ethnic states, residuary rights, state constitutions, cultural and ethnic rights, defence and security, foreign affairs, and resources and taxation.
52. The list in full: Bamar (5), Karen (5), Chin (3), Shan (3), Pa-O (2), Rakhine (2), Lisu (2), Akha, Intha, Kachin, Kayan, Lahu, Mon, Rawang (1).
53. See note 34.
54. The SSA/RCSS is also known as the SSA-South.
55. For an analysis of the Kachin experience, see, Mandy Sadan (ed.), *War and Peace in the Borderlands of Myanmar: The Kachin Ceasefire 1994–2011* (Copenhagen, Nordic Institute for Asian Studies, 2016); for the UWSA, see, Tom Kramer, *The United Wa State Party: Narco-Army or Ethnic Nationalist Party?* (Singapore: ISEAS, East West Center Washington, Policy Studies 38, 2007).
56. See e.g., TNI, "Bouncing Back: Relapse in the Golden Triangle", TNI, Amsterdam, June 2014; S.H.A.N, "Druglords in Parliament", *Shan Drug Watch Newsletter* Issue 4, October 2011.
57. Human Rights Watch, "Vote to Nowhere: The May 2008 Constitutional Referendum in Burma", 30 April 2008.
58. See e.g., Tom Kramer, "Burma's Ceasefires at Risk: Consequences of the Kokang Crisis for Peace and Democracy", TNI Peace & Security Briefing, September 2009; TNI, "Military Confrontation or Political Dialogue: Consequences of the Kokang Crisis for Peace and Democracy in Myanmar", Myanmar Policy Briefing No.15, July 2015.
59. See e.g., TNI, "The 2015 General Election in Myanmar: What Now for Ethnic Politics?", TNI Myanmar Policy Briefing No.17, December 2015.
60. "President Thein Sein's Speech at Chatham House (The Royal Institute of International Affairs)", London, 15 July 2013.
61. *Ibid.*
62. See e.g., TNI, "Burma's Ethnic Challenge: From Aspirations to Solutions", TNI– Burma Centrum Nederland, Burma Policy Briefing No.12, October 2013.
63. See note 58.
64. For a chart, see, TNI, "Burma's Ethnic Challenge", p.10.
65. The founding members were (subsequent UNFC history in brackets): *Ceasefire EAOs in August 2017*: CNF (suspended 2015), KNU (self-suspended 2014), KNPP, NMSP, Pa-O National Liberation Organisation (PNLO: suspended 2015), SSA/SSPP (resigned 2017); *Non-ceasefire EAOs in August 2017*: Arakan National Council (ANC), KIO (resigned 2017), Lahu Democratic Union (LDU), Ta'ang National Liberation Army (TNLA: resigned 2016), WNO (resigned 2017), Kachin National Organisation (KNO: subsequently joined with KIO in UNFC). The Arakan Army (AA) became an affiliate member but never formally joined.
66. For a collection of essays around the ceasefire years, see, Sadan (ed.), *War and Peace*.
67. See e.g., *Ibid.*, passim; TNI, "The Kachin Crisis: Peace Must Prevail", TNI-Burma Centrum Nederland, Burma Policy Briefing No.10, March 2013.
68. For a recent justification, see e.g., Htet Naing Zaw, "Army Defends Kachin State Clearance Operations", *The Irrawaddy*, 15 August 2017.
69. In January 2017, UNOCHA calculated numbers at 179 IDP sites in the northeast region at 96,781: UNOCHA, "Myanmar: IDP sites in Kachin and northern Shan states", 10 April 2017. But there remain displaced persons beyond reach and IDP numbers in some areas have continued to grow.
70. "Union Government offers olive branch to national race armed groups", *New Light of Myanmar*, 19 August 2011. In the following days, Thein Sein reiterated the "olive branch" call in a public address: "President U Thein Sein addresses first Pyidaungsu Hluttaw second regular session", *New Light Myanmar*, 23 August 2011.
71. The list in order of signing of existing ceasefire groups in late 2011-early 2012: UWSA, NDAA, Democratic Karen Benevolent Army (DKBA), SSA/SSPP, NMSP, KNU/KNLA Peace Council (KPC). The signatory "DKBA" – sometimes distinguished as DKBA (5) (i.e. DKBA 5th Brigade) – is a 2010 split from the original and larger Democratic Karen Buddhist Army (also known as DKBA, a 1994 breakaway from the KNU), which agreed to transform into BGFs in 2009. The KPC was a 2007 breakaway by the KNU's 7th brigade.
72. Foundation dates: the CNF: 1988, ALP: 1967/73, NSCN-K: 1980, and PNLO: 2009. The PNLO was formed by breakaway individuals from the PNO, which had agreed a 1991 ceasefire, and now defunct Shan State Nationalities People's Liberation Organisation, which had a 1994 ceasefire. The NSCN-K is also operational on the India side of the border. The Kuki National Organisation and Zomi Reunification Organisation (ZRO) are also active on part of the India frontier. The ZRO has requested representation at EAO meetings in Myanmar but not so far been accepted.
73. Since 2011, different international actors have engaged in peace activities, including Japan's Nippon Foundation and the present Joint Peace Fund, supported by 11 governmental donors. For analyses of peace events, see e.g., MPSI, "Lessons

Learned from MPSI's Work Supporting the Peace Process in Myanmar: March 2012 to March 2014", Yangon, March 2014; and the 2013, 2014, 2015 and 2016 reports by Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide* (Chiang Mai, BNI), also available via the Myanmar Peace Monitor website: <http://www.mmpeacemonitor.org>

74. In the northeast of the country, the USDP official and military hardliner, the late Aung Thuang, was originally appointed as lead go-between, but his role subsequently declined.

75. The Myanmar Peace Monitor, especially, has tried to keep track of these: see note 73.

76. Bertil Lintner, "Powers Seek Influence in Burma's Conflict", YaleGlobal, 18 March 2013; Yun Sun, "China, the United States and the Kachin Conflict", Stimson Center, Issue Brief No.2, January 2014. See also, Yun Sun, "China and Myanmar's Peace Process", United States Institute of Peace, Special Report 401, March 2017.

77. Given that WGEC and UNFC memberships overlapped, these arguments sometimes appeared confusing. But generally, these perceptions referred to concerns that groups considered more trusting of Thein Sein (e.g. the KNU) would use the WGEC as a vehicle to hasten a nationwide ceasefire while more cautious groups (e.g. the KIO) would use the UNFC to hold the pace back.

78. International Crisis Group, "A Tentative Peace in Myanmar's Kachin Conflict", Update Briefing: Asia Briefing No.140, June 2013.

79. AA, ALP, ANC, CNF, DKBA (5), KIO, KNPP, KNU, KPC, LDU, MNDAA, NMSP, PNLO, SSA/SSPP, TNLA and WNO. The SSA/RCSS also attended but did not join on the basis that, as member of a newly-formed Committee for Shan State Unity, it had to consult before signing any agreements.

80. "Myanmar govt, ethnic armed groups fail to make breakthrough in talks", Xinhua, 6 November 2013.

81. Zarni Mann, "UNFC Reiterates Call for Suu Kyi's Voice in Peace Talks", 26 November 2013.

82. Simon Roughneen, "President's Union Day Message Flags-up Federalism", The Irrawaddy, 12 February 2014.

83. TNI, "Military Confrontation or Political Dialogue".

84. See e.g., International Crisis Group, "The Dark Side of Transition: Violence Against Muslims in Myanmar", Asia Report No.251, 2013; International Crisis Group, "Myanmar: The Politics of Rakhine State", Asia Report No.261, 2014. See also note 34.

85. For a recent study on these issues, see, Matthew Walton, *Buddhism, Politics and Political Thought in Myanmar* (Cambridge University Press, 2016).

86. The AA was founded in 2009. The ANC was initially established in 2004 from an alliance of organisations promoting the Rakhine State cause, including the National United Party of Arakan which grew from the CPA, Arakan Independence Organisation and earlier armed groups.

87. See e.g., Karen Human Rights Group, "Losing Ground: Land conflicts and collective action in eastern Myanmar", March 2013; Land in Our Hands Network, "Destroying People's Lives: The Impact of Land Grabbing on communities in Myanmar", December 2015; Global Witness, "Guns, Cronies and Crops: How Military, Political and Business Cronies Conspired to Grab Land in Myanmar", London, 2015.

88. Global Witness, "Jade: Myanmar's 'Big State Secret'", London, October 2015; Global Witness, "Lords of Jade", London, December 2015.

89. See e.g., Nang Shining, "Hydropower in Myanmar: For Whose Benefit?", TNI Commentary, December 2016.

90. The SLORC-SPDC's view was that the SSA/RCSS was a breakaway group from the MTA, which had made a full

peace in 1996, and therefore could not negotiate a separate agreement.

91. See e.g., TNI, "Ethnicity without Meaning".

92. See e.g., TNI, "Bouncing Back"; S.H.A.N., "Druglords in Parliament"; Seamus Martov, "Ruling Party MPs Return Guns, Alleged Drug Ties to 2015 Race", The Irrawaddy, 7 October 2015. For an analysis of challenges in local transition, see, Kim Jolliffe, "Ethnic Armed Conflict and Territorial Administration in Myanmar", The Asia Foundation, Yangon, 2015. See also, Buchanan, "Militias in Myanmar".

93. For a history of the events of this year, see, Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide 2015* (Chiang Mai, BNI), passim.

94. Aung Naing Oo, "The time for waiting is over in Myanmar", Nikkei Asian Review, 13 October 2015.

95. Saw Yan Naing, "Why Did the KNU Withdraw From the UNFC?", The Irrawaddy, 3 September 2014. For an analysis of the KNU's ceasefire experience, see, Kim Jolliffe, "Ceasefires, Governance, and Development: The Karen National Union in Times of Change", Asia Foundation, December 2016; Ardeth Maung Thawngmung, "Signs of life in Myanmar's nationwide ceasefire agreement? Finding a way forward", Critical Asian Studies, Vol.49, No.3, 2017, pp.379-95.

96. Burma News International, *Deciphering Myanmar's Peace Process: A Reference Guide 2015* (Chiang Mai, BNI), pp.2, 6.

97. Ibid.

98. "Deed of Commitment for Peace and National Reconciliation", Republic of the Union of Myanmar, 12 February 2015; "Deed of Commitment For Peace and Reconciliation", S.H.A.N., 18 February 2015.

99. See note 71.

100. For AA and ANC, see note 86. The TNLA, which claims inception back to 1992, in many respects has resumed armed struggle from the PSLP, an NDF member, that had agreed a 1991 ceasefire with the SLORC. The LDU follows from the LDUP (dating from 1972) and, subsequently, LNO, which were members of the NDF from its 1976 foundation, while the WNO – also a NDF member – was established in 1974. See also note 39.

101. "The Panghsang Summit: Excerpts from a journal", S.H.A.N., 20 May 2015; see also, TNI, "Military Confrontation or Political Dialogue", pp.16-20.

102. Ibid.

103. Tatmadaw leaders have given different explanations during different eras of government. In general, ceasefires have always been offered to breakaway groups, and local militias have been promoted in the field against stronger nationality forces. At the same time, the Tatmadaw has given a degree of respect to older parties, such as the KNU, KNPP and KIO, or those that, as military opponents, have never been perceived to have "surrendered". The difficulty is that, unless a breakaway group, the Tatmadaw perceives any "new" force in a "new" era of government as a personal opponent. Hence ceasefires were not regarded permissible for the CNF or SSA/RCSS in the SLORC-SPDC era, since they were new. Officers also argue that new groups would continue to form if any group holding arms could demand ceasefire rights. In the case of the AA, MNDAA and TNLA, this logic is questioned by nationality supporters. The MNDAA was the first ceasefire group in 1989 until the 2009 BGF crisis; the TNLA in many respects has grown out of a former EAO, the PSLP, that had agreed a 1991 ceasefire; and the AA is regarded as just the latest Rakhine EAO to emerge since independence in 1948. Tatmadaw officers have also argued that such groups as the ANC, LDU and WNO are too small for ceasefires. They claim, however, legacy from organisations dating back to the 1970s, and their inclusion has continued to enjoy support for representation in peace talks. See also notes 86 and 100.

- 104.** See note 9.
- 105.** Ye Mon & Lun Min Mang, "Ceasefire pact is 'historic gift': president", Myanmar Times, 16 October 2015.
- 106.** See notes 39, 65, 71, 72, 86, 100, 103.
- 107.** "The Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations", 15 October 2015.
- 108.** Ibid.
- 109.** For a discussion of these issues, see, K. Jolliffe, J. Bainbridge & I. Campbell, "Past experiences and future visions", London, Saferworld, May 2017.
- 110.** Nyein Nyein, "Number of New IDPs in Shan State Tops 6,000, Rights Group Says", The Irrawaddy, 3 November 2015.
- 111.** See e.g., Amnesty International & International Commission of Jurists, "Myanmar: Parliament must reject discriminatory 'race and religion' laws", 3 March 2015.
- 112.** Lun Min Mang, Ye Mon & Guy Dinmore, "Key players to miss peace conference", Myanmar Times, 11 January 2016.
- 113.** Htet Naing Zaw interview with Khun Htun Oo, "Without a Guarantee of Equality, How Can We Work Together?", The Irrawaddy, 28 January 2016.
- 114.** "Aung San Suu Kyi Urges Efforts Toward a 'Lasting Peace' in Myanmar", RFA, 12 January 2016.
- 115.** Timothy McLaughlin, "Myanmar ethnic leader calls on Suu Kyi to clarify stance on peace process", Reuters, 12 January 2016.
- 116.** Hnin Yadana Zaw, "Myanmar's Suu Kyi says peace process will be government's priority", Reuters, 4 January 2016.
- 117.** "Aung San Suu Kyi: building peace will be NLD party's priority in government", The Guardian, 4 January 2016.
- 118.** See e.g., Progressive Voice, "Another Piece of the Democratic Puzzle: Reform of the Administrative Structure of Myanmar Essential", Briefing Paper, January 2017.
- 119.** San Yamin Aung, "New National Defense and Security Council Formed", The Irrawaddy, 30 March 2016.
- 120.** See e.g., International Crisis Group, "Myanmar: A New Muslim Insurgency in Rakhine State", Asia Report No.283, 2016; "More than 1,000 feared killed in Myanmar army crackdown on Rohingya - U.N. officials", Reuters, 6 February 2017. There continue to be uncertainties about ARSA's membership and origins. At first, it operated under the name Harakah al-Yaqin ("Faith Movement") in 2016, but subsequently promoted the Rohingya identity. Dating back to 1947, there have been armed Muslim-based movements in Arakan, which briefly ended with a 1961 peace accord with the U Nu government. Following Ne Win's coup, these revived in the 1960s with the RPF and, later, RSO and Arakan Rohingya Islamic Front: see note 34. But in recent years, they had been largely defunct. For the moment, it is too early to put ARSA in detail within the context of contemporary ethnic politics and other armed movements in the country.
- 121.** Ibid.
- 122.** TNI has heard these explanations from various sources.
- 123.** The circumstances behind U Ko Ni's assassination are not clear, but those arrested point to military connections and "extreme nationalism": see e.g., Aung Zaw, "Who Was Behind U Ko Ni's Assassination?", The Irrawaddy, 27 February 2017.
- 124.** See e.g., David Scott Mathieson, "Suu Kyi overbuilds her father's golden legacy", Asia Times, 18 July 2017.
- 125.** See e.g., Joint statement by 61 Myanmar and international human rights organizations, "Myanmar: Repeal Section 66(d) of the 2013 Telecommunications Law", 29 June 2017.
- 126.** "Official Translation of the Speech Delivered by State Counsellor Daw Aung San Suu Kyi on the Opening Day of the Union Peace Conference-21st Century Panglong", State Counsellor's Office, 31 August 2016.
- 127.** Sai Wansai, "EAOs' Plenary Meeting: Successful but need time to iron out common positions", S.H.A.N., 1 August 2016. This was a successor to previous EAO meetings at Laiza and Law Khee Lar. The missing parties from the 21 recognised groups: the UWSA, MNDAA, TNLA and NSCN-K.
- 128.** Ibid.
- 129.** UNFC, "United Nationalities Federal Council Members' Proposal (Draft)", August 2016. In fact, there are essentially eight principles, with the ninth indicating that NCA signing will take place when the other points are agreed. For a synopsis, see, Sai Wansai, "Framework for Political Dialogue: UNFC's boycott leads to peace process deterioration", S.H.A.N., 21 September 2016. He summarizes the main points as: bilateral ceasefire agreement between government-military and UNFC; to build a federal union from Panglong-21; agreement of tripartite dialogue composition; drafting and promulgation of constitutional law based on Panglong-21; agreement on military codes of conduct and monitoring; military Joint Monitoring Committee with government, EAO and international representatives; neutral, enforcement tribunal for NCA with domestic and international law experts; and, development projects according to Extractive Industries Transparency Initiative, in cooperation with the public and EAOs. For an update, see, UNFC, "Briefing Paper: The Status of the Delegation for Political Negotiation Talks with the Peace Commission and the Way Forward", August 2017.
- 130.** Wansai, "EAOs' Plenary Meeting".
- 131.** "Myanmar's promising path to reconciliation to require compromise, Ban tells peace conference", UN News Centre, 31 August 2017.
- 132.** In what was apparently an error, the UWSA was initially classed as an "observer".
- 133.** Lun Min Mang & Ei Ei Toe Lwin, "Speech highlights from Panglong Conference opening ceremony", Myanmar Times, 1 September 2016.
- 134.** "Myanmar's Suu Kyi kicks off peace conference with appeal for unity", Reuters, 31 August 2016.
- 135.** Hannah Beech, "Aung San Suu Kyi Seeks Elusive Peace in Burma With Panglong Summit", Time, 31 August 2016.
- 136.** Translations vary, but they have been summarized by the Institute for Security and Development Policy (ISDP) as follows: "(1) To have a keen desire to reach eternal peace; (2) to keep promises agreed to in peace deals; (3) to avoid capitalizing on the peace agreement; (4) to avoid placing a heavy burden on local people; (5) to strictly abide by the existing laws; (6) to 'march' towards a democratic country in accordance to the 2008 constitution." See, ISDP, "Myanmar's Nationwide Ceasefire Agreement: Background", October 2015.
- 137.** Amnesty International, "Myanmar: "All the Civilians Suffer: Conflict, Displacement, and Abuse in Northern Myanmar", 14 June 2017; see also, "A Far Cry from Peace: Ongoing Burma Army offensives and abuses in northern Burma under the NLD government", Kachin Women's Association Thailand, November 2016.
- 138.** See note 120.
- 139.** "The Republic of the Union of Myanmar, Defence White Paper", Naypyitaw, 2015. For discussion on these issues, see, Jolliffe, Bainbridge & Campbell, "Past experiences and future visions"; "Smooth Civil-Military Relations Should Be The Goal", The Irrawaddy, 25 July 2017; Amara Thiha, "Understanding the Tatmadaw's 'Standard Army' reforms", Frontier Myanmar, 22 June 2017. Amara Thiha summarized five key points: "no interchangeable term for Standard Army", "parallel process to security sector reform", "transitional phase in the official military doctrine", "international engagement...a priority", and

“political hegemony will remain”.

140. Another leading general, Thura Shwe Mann, was also a Than Shwe protégé who became lower house speaker and USDP leader under Thein Sein’s Presidency. He later fell out of Tatmadaw favour.

141. Analysts have often wondered whether Min Aung Hlaing was playing the role of “bad-cop” to Thein Sein’s “good-cop” in regime transition; see, Sai Wansai, “Burma Peace Process: Will Thein Sein’s Targeted NCA Signing Ceremony On Union Day Materialize?”, S.H.A.N., 14 January 2015.

142. Saw Yan Naing, “Photo of Meeting Between KNU Chairman and Than Shwe Revealed”, *The Irrawaddy*, 23 March 2017.

143. Vanda Felbab-Brown, “Myanmar Maneuvers: How to Break Political-Criminal Alliances in Contexts of Transition”, United Nations University Centre for Policy Research, *Crime-Conflict Nexus Series No.9*, April 2017.

144. Saw Yan Naing, “KNU Chairman: Aims of Karen Resistance Not Yet Achieved”, *The Irrawaddy* 31 January 2017.

145. Shwe Aung, “KNU chair leads delegation to meeting with KIA in Laiza”, *DVB*, 17 February 2017.

146. “Ethnic Political Party Sweeps By-elections in Myanmar’s Restive Shan State”, *RFA*, 3 April 2017; “NLD Should Take By-election Results as a Wake-Up Call”, *The Irrawaddy*, 4 April 2017. The Arakan National Party (1), All Nationals Democracy Party-Kayah State (1) and USDP (2) also won seats in the ethnic states.

147. Foreign organisations have often been involved around the peripheries of the Myanmar’s civil wars: notably USA support to the KMT in the 1950s, China support to the CPB in the 1960s-70s. But in recent decades, other than humanitarian aid and business activities, the main political inter-actions in the conflict-zones have been driven by domestic actors.

148. See e.g., TNI, “China’s Engagement in Myanmar: From Malacca Dilemma to Transition Dilemma”, *TNI, Myanmar Policy Briefing No.19*, July 2016.

149. *Ibid.*, p.16.

150. *Ibid.*, *passim*.

151. See e.g., Aung Zeya, “Outcome of Pang Seng Conference and the true identity of UWSA”, *Global New Light of Myanmar*, 18 May 2015.

152. The UWSA also urged the NLD to take advantage of the BRI. Lun Min Mang, Thu Thu Aung & Guy Dinmore, “UWSA wants China in peace process”, *Myanmar Times*, 2 May 2016.

153. A sixth non-ceasefire group the WNO, a remnant NDF group, also appeared to have joined with the UWSA in the FPNCC. But its status in Wa politics is presently unclear.

154. Federal Political Negotiation and Consultative Committee, “The General Principles and Specific proposition of Revolutionary armed organizations of all nationalities upon the Political Negotiation”, 19 April 2017; “Provincial and Federal Peace Agreement and National Parliament-level Cease-fire Agreement *by and between* Republic Government of the Union of Myanmar and All Ethnic revolutionary Armed Forces”, undated.

155. *Ibid.*, p.3.

156. Thompson Chau, “Big Four firm hails Belt and Road as a ‘global game changer’”, *Myanmar Times*, 1 August 2017.

157. “State Counsellor meets with Chinese president and premier”, *Global New Light of Myanmar*, 16 May 2017. Nationality groups in Myanmar, however, were frustrated that, on such an important occasion, the government delegation did not include ethnic representatives nor consult with local organisations over such critical issues in advance.

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TRANSNATIONAL INSTITUTE (TNI)

De Wittenstraat 25, 1052 AK Amsterdam, The Netherlands

Tel: +31-20-6626608, Fax: +31-20-6757176

E-mail: burma@tni.org

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